

**MINISTRY OF SCIENCE AND HIGHER EDUCATION OF THE REPUBLIC OF  
KAZAKHSTAN  
Kazakh-American Free University**

**Department of Law and International Relations**

**PROGRAM  
COMPREHENSIVE EXAMINATION**

Educational program 6B04201 – “Jurisprudence”

The comprehensive exam program was reviewed at a meeting of the educational and methodological section of the department, protocol No. 6 dated June 09, 2023

The comprehensive exam program was approved by the decision of the Academic Council, protocol No. 11 of July 13, 2023.

Kazakh-American  
free university  
2023

**PROGRAM**  
**comprehensive exam for the educational program 6B04201 “Jurisprudence”**  
**Civil legal specialization**

The comprehensive examination program for the educational program 6B04201 “Jurisprudence” includes the disciplines: Civil law of the Republic of Kazakhstan (general part); Civil law of the Republic of Kazakhstan (special part); Civil procedural law of the Republic of Kazakhstan.

The program includes all topics in accordance with the working curriculum of the disciplines. The exam is conducted using tickets, each of which consists of 3 questions:

1st question – Civil law of the Republic of Kazakhstan (general part);

2nd question – Civil law of the Republic of Kazakhstan (special part);

3rd question - Civil procedural law of the Republic of Kazakhstan.

**Contents of the comprehensive exam program**  
**on Civil Law of the Republic of Kazakhstan (general part).**

The discipline “Civil Law of the Republic of Kazakhstan (general part)” is basic and includes 15 topics:

1. Concept, subject, method, system of civil law. Sources of civil law.
2. Concept and types of civil legal relations. Exercise and protection of civil rights.
3. Objects of civil rights.
4. Citizens as subjects of civil legal relations.
5. Legal entities as subjects of civil legal relations.
6. Transactions.
7. Representation and power of attorney. Deadlines in civil law.
8. Property rights. Ownership. The emergence and termination of property rights and other real rights.
9. Common property. Other real rights.
10. Protection of property rights and other proprietary rights.
11. General provisions on obligations. Execution of obligations.
12. Ensuring the fulfillment of obligations.
13. Termination of obligation.
14. Liability for failure to fulfill obligations.
15. Concept and terms of a civil contract. Conclusion and termination of the contract.

**Topic 1. Concept, subject, method of civil law system. Sources of civil law.**

Civil law as an independent branch of Kazakhstan law. The concept of civil law as private law. Private and public law. Subject of civil legal regulation. The concept and types of relations regulated by civil law. The concept of property and personal non-property relations. Method of civil legal regulation. Principles of civil law. Sources of civil law.

**Topic 2. Concept and types of civil legal relations. Exercise and protection of civil rights.** The concept and elements of civil legal relations. Types of civil legal relations. Grounds for the emergence, change and termination of civil legal relations. Legal facts and their classification. Legal compositions. The concept of exercising civil law. Freedom and limits of civil rights. The concept of civil law protection. Jurisdictional and non-jurisdictional methods of protecting civil rights.

**Topic 3. Objects of civil rights.** The concept and types of objects of civil rights. Classification of objects. Services, products of creative activity as objects of civil rights. Money, securities. Personal non-property benefits, their protection.

**Topic 4. Citizens as subjects of civil relations.**

Citizens as subjects of civil law. Concept of legal capacity of citizens. Concept of legal capacity of citizens. Types of legal capacity. Restriction and deprivation of legal capacity of citizens. Grounds and procedure for declaring a citizen missing. Grounds and procedure for declaring a citizen dead. Legal consequences of a citizen missing and dead. Custody and guardianship.

**Topic 5. Legal persons as subjects of civil law relations.**

The concept and features of a legal entity. The order of formation and termination of legal entities.

Reorganization of a legal entity. Bankruptcy of legal entities. Types of legal entities and their classification. Economic partnerships and their types. Joint-stock company. Production cooperatives. State enterprises and their types. Non-commercial legal entities and their types.

**Topic 6. Deals.**

The concept and types of transactions in civil law. Conditional transactions. Terms of validity of transactions. Legal capacity of the parties to the transaction. Compliance with the transaction form. Invalidation of the transaction. Types of invalid transactions.

**Topic 7. Representation and authorization. Time limits in civil law.**

Concept and scope of representation. Authority of the representative and the reasons for its emergence. Types of representation. Power of attorney and its types. Advance. The concept, meaning, and types of terms in civil law. The concept and meaning of the statute of limitations. Suspension and interruption of the limitation period. Restoration of the limitation period. Requirements are not subject to any statute of limitations.

**Topic 8. Rights in rem. Ownership. Establishment and termination of ownership and other proprietary rights.**

The concept of ownership. Forms and types of ownership. Legal ownership. Objects of ownership. Grounds for acquiring the right of ownership. Acquisition prescription. Grounds of termination of the right of ownership.

**Topic 9. Common property. Other proprietary rights.**

Concept and types of common property. Common share property. Common joint property. Limited proprietary rights. Right of economic management. Right of operational management.

**Topic 10. Protection of property rights and other proprietary rights.**

General description of civil-legal means of protection of the right to property. Proprietary actions in defense of violated property rights. Claim for property from other people's illegal possession (vindication claim). Action for the elimination of violations not related to the deprivation of possession (negatory claim). Claim for the exclusion of property from the inventory.

**Topic 11. General provisions on obligations. Performance of obligations.**

Concept and system of obligations. Types of obligations. Parties and content of obligations. Plurality of persons in the obligation. Share and joint and several obligations. Change of persons in the obligation. Regressive obligations. Grounds of creation and termination of obligations. Principles of performance. The concept of due performance. Performance of equity, solidarity and alternative obligations. The notion of breach. Default and improper performance.

**Topic 12. Enforcement of obligations.**

The concept of enforcing the obligation. Ways of securing the obligation. Penalties, its types in relation to losses. The deposit, its difference from the advance. The form of the deposit and the consequences of its violation. Deposit and its varieties. The subject of the pledge. Form of pledge and consequences of its violation. Surety and guarantee as ways to secure the obligation. Liability of the guarantor and guarantor.

**Topic 13. Termination of obligation.**

Concept and grounds of termination. Proper performance as a means of termination. Certification of performance of the obligation.

**Topic 14. Liability for non-performance.**

The concept of civil liability. Functions of civil liability. Types of civil liability. Terms of civil liability. Presumption of fault of the offender. Possibility of liability regardless of guilt. The concept of chance and irresistible force. Application of civil liability.

**Topic 15. Concept and terms of civil contract. Conclusion and termination of contract.**

The concept, the meaning of the contract in civil law. The principle of freedom of contract. Types of

contracts. Form, content of the contract, material and other terms of the contract. The order of conclusion of the contract, the stage of conclusion. Pre-contractual disputes and the procedure for their settlement. Modification and termination of the contract.

**Reading:**

*Basic reading:*

1. Constitution of the Republic of Kazakhstan, 30 August 1995. // Information system «Paragraph».
2. Civil Code of the Republic of Kazakhstan (special part) of 1 July 1999. // Information system «Paragraph».
3. Гражданское право в 2-х томах. Отв.ред. Суханов Е.А. – М.: Бек, 1993. – 780 с.
4. Диденко А. Гражданское право. – Алматы, 2006. – 590 с.
5. Идрышева С.К. Гражданское право Республики Казахстан: Учебно-методическое пособие. – Усть-Каменогорск: изд-во ВКГУ им. С. Аманжолова, 2009. – 100 с.
6. Иоффе О.С. Обязательственное право. - Москва, 1975. - 326с.
7. Басин Ю.Г. - Совершенствование правовых средств в борьбе с хозяйственными нарушениями. - Алма-Ата, 1984. – 284с.
8. Жайлин Г.А. Гражданское право Республики Казахстан: В 2 т. Т.1. Часть Особенная. – Астана: Данекер, 2015. – 338с.
9. Гражданское право Республики Казахстан. / Под ред. К.С. Мауленова - Алматы, 1998. – 428 с.
10. Общая теория права. / Под ред. А.С.Пиголкина. - М., 1995. - 496 с.

*Regulatory legal acts:*

1. 1. The Constitution of the Republic of Kazakhstan, adopted by republican referendum on 30 August 1995. //Information and legal system of normative legal acts of the Republic of Kazakhstan «Adilet» <http://adilet.zan.kz/rus/docs/K950001000>
2. Civil Code of the Republic of Kazakhstan of 27 December 1994 268-XIII / Information and legal system of normative legal acts of the Republic of Kazakhstan «Adilet». <https://adilet.zan.kz/rus/docs/K940001000>

*Additional reading:*

1. Коробова М.А. Принцип нераспространения действия международного договора на третьи государства. // Актуальные проблемы правовой науки. - М., 1970. – 386 с.
2. Перетерский И.С. Толкование международных договоров. - М., 1975. – 336 с.
3. Права человека. Учебное пособие. / Под общ. ред. М.А.Сарсембаева. – Алматы: Данекер, 1999. – 251 с.
4. Талалаев А.Н. Международные договоры в современном мире. - М., 1973. - 298 с.
5. Талалаев А.Н. Право международных договоров. Общие вопросы. – М., 1978. - 228 с.
6. Statement of Treaties and International Agreement Registered or Filed and Recorded with the Secretariat during the Month of August 1993. St/Leg/. – New Yourk., 1994. – 669 p.
7. Захарова Н.В, Выполнение обязательств, вытекающих из международного договора. - М., 1987. - 294 с.
8. Айтуkenова Б. Общие положения о договорах. // Фемида, 2011. - №1. – С. 46.
9. Андреев В. Новый гражданский кодекс о договоре. // Деловой Мир, 2019. - №15. – С. 45.
10. Карасева М. Гражданско-правовой договор. // Маркетинг, 1996. - №2. – С. 91-99.
11. Вахнин И. Об основаниях формирования условий договора в предпринимательской деятельности. // Хозяйство и право, 1999. - №3. – С. 39-45.
12. Витрянский В.В. Договор купли-продажи и его отдельные виды. - Москва, 1999. – 298 с.

**Content of the program of the comprehensive examination in the Civil Law of the Republic of Kazakhstan (special part).**

The discipline «Civil law of the Republic of Kazakhstan (special part)» is the basic and includes 15 topics:

1. Obligations to transfer property into ownership or other proprietary law. General provisions on sale. Types of contracts of sale.
2. We have a contract, a gift agreement, a lease agreement.
3. Obligations for temporary possession or use of property. General provisions on tenancy.

4. Rental, rental of premises, loan agreement (free use of property).
5. Contracts for the production of works (contracts of contract type). General provisions on contracts.
6. Contracts for the provision of services. Reimbursable provision of services. Contract of carriage. Charter agreement (charter). Transport expedition contract.
7. Loan agreement. Financing agreement for the assignment of a monetary claim (factoring).
8. Banking services contracts.
9. Storage agreement. Separate types of storage. Insurance agreement.
10. Contract of assignment. Action in another's interest without instructions. Agreement of commission. Agreement of trust management of property.
11. Comprehensive business license agreement (franchising).
12. Competition obligations. Tender. Auction.
13. Obligations resulting from harm and unjustified enrichment
14. Intellectual property law
15. Hereditary law.

**Topic 1. Obligations to transfer property into ownership or other proprietary law. General provisions on sale. Types of sales contracts**

The concept of obligations to transfer property into ownership or other proprietary right and the reasons for their occurrence. The concept and legal characteristics of a sales contract. Types of a sales contract. Retail sale contract: concept, features. Concept, Distinctions and Legal Characteristic of a Supply Contract. Contract: Concept and Legal Characteristic. Energy supply contract: the concept and legal nature of the contract.

**Topic 2. Barter Contract, Gift Agreement, Rent Agreement**

General provisions on the contract. Parties, content, rights and obligations of the parties. General provisions on the gift contract. The legal nature of the gift contract. Cases of prohibition and restriction of the gift. The right of the gifted to refuse the gift. The cost of gifts allowed to the gift. Basic provisions on the contract of rent and its types. Permanent rent for life, lifetime maintenance with dependency.

**Topic 3. Obligations of temporary possession or use of property. General provisions on tenancy**

General Provisions on Property Lease Contract. Certain types of lease agreements. The concept, specific features and legal characteristics of the leasing contract. The contract of rental of the vehicle: the concept, the legal nature. Rental of a vehicle with and without a crew. Features of rental of buildings, structures and rental of an enterprise.

**Topic 4. Rental, tenancy, loan (free use of property).**

Rental agreement: the concept, specificity of the subject group, objects of lease, rights and obligations of the parties to the rental agreement. Tenancy contract: the concept and features. The concept of a contract of free use of property (loan agreement). Characteristics of the features of the agreement of free use of property. Features of civil liability of the lender and borrower.

**Topic 5. Contract for performance of works (contract type agreements). General provisions on contracts.**

Contract of contract: concept, value in civil circulation, legal characteristic and types of contracts. Contract of domestic contract: concept, features of the entity, subject matter and sources of legal regulation. Concept and legal characterization of the construction contract. Contract for the performance of design and exploration works. Features of the contract for research, development and technological work.

**Topic 6. Contracts for the performance of services. Reimbursable provision of services. Contract of carriage. Charter contract (charter party). Transport expedition contract.**

Contract of reimbursable services: concept, legal characteristic. General provisions on transport, the importance of transport for the development of the economy. Modes of transport and modes of contract of carriage. Contract of carriage of goods: concept, legal nature and characteristics. Contracts on the organization of work on the transport of goods. Contract of carriage of passengers and baggage: concept, legal nature. Transport expedition.

**Topic 7. Loan agreement. Financing agreement for the assignment of a monetary claim (factoring).**

General provisions of the loan agreement. Features of the bank loan agreement. Features of the state loan agreement. General provisions on factoring contract.

**Topic 8. Banking contracts.**

Agreement of bank deposit (deposit): concept, meaning, legal nature, rules of legal regulation. Subjective composition of the agreement of bank deposit. Types of deposits and their characteristics. Form and procedure of conclusion of the agreement of bank deposit. Agreement of bank account: concept, meaning, norms of legal regulation. Subject matter of the agreement of bank account. Conclusion of a bank account agreement, form of agreement. Rights and obligations of the client and the bank. Types of bank account and their characteristics. Grounds for writing off money from the client's account.

**Topic 9. Storage agreement. Separate types of storage. Insurance agreement.**

Concept and legal characterization of the contract of storage. Subject, object, form of the contract of storage, order of its conclusion. Types of storage contracts and their features. Responsibility under the storage agreement. The concept and content of the insurance contract. The parties to the contract, its form, types and conditions of insurance. Personal insurance contract. Reinsurance, mutual insurance, co-insurance.

**Topic 10. Contract of order. Action in another's interest without an assignment. Contract of commission. Contract of trust management of property.**

The concept and legal characterization of the contract of assignment. Action in the foreign interest without instructions. The concept of a commission agreement, distinguishing it from an assignment agreement. The concept and legal characteristic of a trust agreement of property management.

**Topic 11. Integrated business license agreement (franchising).**

The concept and legal characterization of the contract of complex business license (franchising). The subject matter and the parties to the contract. Registration of the contract. Rights and obligations of the licensor and licensee. Liability of the parties. Grounds, procedure and legal consequences of termination of the contract of complex business license (franchising).

**Topic 12. Competitive liabilities. Tender. Auction.**

Public promise of the award as a civil law institution.

Unilateral action as a basis for the creation of a competitive obligation.

Content of the obligation. Subjects of relations arising from the public promise of the reward, their rights and obligations. Tender and auction as a type of grounds for the creation of competitive obligations. Tender, its conditions and features of application in the conduct of public procurement. Legal regulation of games and betting. Rights and obligations of the organizers and participants of the games.

**Topic 13. Obligations resulting from harm and unjust enrichment.**

The consequences of causing harm in a state of self-defence and necessity. Liability of a legal person or a citizen for harm caused by its employees. Liability for damage caused by minors, minors, persons with limited legal capacity and incapacity. Liability for damage caused by a source of increased danger. Compensation for damage caused to the life or health of a citizen. Compensation of damage to persons who suffered damage as a result of the death of the breadwinner. Compensation payments. Change in the amount of compensation. Compensation of damage in case of termination of legal entity. Compensation of damage caused by defects of goods, works or services. Compensation for moral damage: grounds, amount and method. Obligations arising from unjust enrichment.

**Topic 14. Intellectual property law.**

The concept of intellectual property rights. Civil law institutions governing relations in the sphere of exclusive rights to the results of intellectual creativity. Copyright as a legal institution. Copyright relations: objects, subjects, content. Copyright contract, its concept and types. Rights and obligations of the parties. Related rights of performers of works of literature and art. Protection of copyright and related rights. Patent law as a legal institution. Concept and legal protection of the brand name. Legal protection of trademark, service mark and place of origin of goods.

## **Topic 15. Hereditary law.**

Concept and meaning of inheritance. Foundations of inheritance. Opening of inheritance. Subjects of hereditary legal relations. Composition of inheritance. Succession by will. Inheritance by law. Features of inheritance of certain types of property.

### **Reading:**

#### *Basic reading:*

1. Civil Code of the Republic of Kazakhstan (special part) of 1 July 1999. // Information system «Paragraph»// <https://adilet.zan.kz/rus/docs/K990000409>
2. Басин Ю.Г. Избранные труды по гражданскому праву. /Сост. Сулейменов М.К. - Алматы: АЮ-ВШП «Аділет», НИИ частного права КазГТОУ, 2003.
3. Брагинский М.И., Витрянский В.В. Договорное право. Книга 2: Договоры о передаче имущества. - М.: «Статут», 2000.
4. Брагинский М.И., Витрянский В.В. Договорное право. Книга 3: Договоры о выполнении работ и оказании услуг. Издание дополненное, исправленное (2-й завод).- М.: «Статут», 2002.
5. Брагинский М.И., Витрянский В.В. Договорное право. Книга 4: Договоры о перевозке, буксировке, транспортной экспедиции и иных услугах в сфере транспорта. -М.: «Статут», 2011.-910с.
6. Брагинский М.И., Витрянский В.В. Договорное право. Книга 5: Договоры о банковском вкладе, банковском счете; банковские расчеты. Конкурс, договоры об играх и пари. 2-е изд., стер. - М.: Статут, 2011. - 623 с.
7. Гражданское право. Том 2. /Отв. ред. М.К. Сулейменов, Ю.Г. Басин. - Алматы, 2002.
8. Гражданское право. Том 3 /Отв. ред. М.К. Сулейменов, Ю.Г. Басин. - Алматы: Издательство КазГЮА, 2004, 522 с
9. Гражданское право: учеб. для вузов: в 3 т. / под ред А. П. Сергеева. - М.: Велби, 2012- Т. 2. - 2012. - 880 с.
10. Гражданское право: учеб. для вузов: в 3 т. / под ред. А. П. Сергеева. - М. :Велби, 2012- Т. 3. - 2012. - 800 с.
11. Гражданское законодательство Республики Казахстан. Статьи. Комментарии. Практика. /Под ред. А.Г. Диденко. - Алматы: Юрист, 1996-2013. Вып.1-42.
12. Гражданское право. Учебник для вузов (академический курс). /Под ред. Ю.Г. Басина, М.К. Сулейменова. - Т. I. - Алматы: КазГЮА, 2000.
13. Жайлин Г. А. Гражданское право Республики Казахстан. Часть особенная. Том 1, 2. - Алматы: Данекер, 2001.

#### *Additional reading:*

1. Брагинский М.И., Витрянский В.В. Договорное право. Книга первая: Общие положения. - М.: Статут, 2003.
2. Вещное право. Наследственное право. Интеллектуальные права. Личные имущественные права / отв. ред. Е. А. Суханов. - М.: Статут, 2010.- 958 с.
3. Власов Ю.Н. Наследственное право Российской Федерации: общие положения, правовые основы, образцы типовых документов: Учеб.-метод. пособие, 3- е издание, дополненное и переработанное. - М.: Юрайт, 2007. -160с.
4. Гаврилов Э.П. Авторское право. Издательские договоры. Авторский гонорар.-М., 1988.
5. Гражданское и торговое право зарубежных стран: Учебное пособие. /Под ред. В.В. Безбаха и В.К. Путинского. - М.: МЦФЭР, 2004.
6. Гражданское право. Учебник /под ред. С. С. Алексеева. - 2-е изд., перераб. и доп. - М.: Проспект, 2010. - 528 с.
7. Гражданское право: учеб. для вузов: в 3 т. Т. 3 / отв. ред. В. П. Мозолин. -2- е изд., перераб. и доп. - М.: Проспект, 2010 - 704 с.
8. Гражданское право. В 2 т. Т. 2: учебник / под ред. Садикова О.Н. - М. : Контракт: ИНФРА-М,2007. - 608 с.
9. Гражданское право : учеб. для вузов. В 3-х т. Т.2 / ред. А. П. Сергеев. - М.: РГ-Пресс, 2010. - 880 с.
10. Гражданское право. В 3 т. Т. 3: учебник для вузов / под ред. А.П. Сергеева, Ю.К. Толстого. - Изд 4-е, перераб. и доп. - М.: Проспект, 2004, 2005 - 784 с.
11. Гражданское право: учебник: в 3 т. / отв. ред. Ю. К. Толстой, Н. Ю. Рассказова. - Изд. 5-е, перераб. и доп. - М.: Проспект, 2012 - Т. 2. - 928 с.



12. Гражданское право: учебник: В 4 т. Т. 3. Обязательственное право / отв. ред. Е.А. Суханов. - 3-е изд., перераб. и доп. - М.: Волтере Клувер, 2007. - 720 с. (Серия «Классический университетский учебник»),

13. Елисеев И.В. Гражданско-правовое регулирование международной купли-продажи товаров. - СПб., 2002.

14. Идрышева С.К. Публичный договор в гражданском праве Республики Казахстан. - Астана, 2010. - 380 с.

15. Идрышева С.К. Договоры купли - продажи, мены, дарения и ренты в гражданском праве РК. - Астана, 2002

### **The content of the programme of the comprehensive examination in the Civil Procedure Law of the Republic of Kazakhstan.**

Discipline «Civil-procedural law of the Republic of Kazakhstan» is a major and includes 15 topics:

1. Civil procedure and its principles.
2. Civil proceedings of the Republic of Kazakhstan.
3. Civil procedural legal relations.
4. Subjects of civil procedural legal relations.
- Jurisdiction and jurisdiction of civil cases.
6. Judicial evidence and evidence.
7. Suit and suit.
8. Case preparation for trial.
9. Trial in first instance.
10. Acts of the court of first instance.
11. Summary (written) proceedings.
12. Special actions. Special proceedings.
13. Judicial review proceedings.
14. Proceedings involving foreign persons.
15. Proceedings relating to the execution of the acts of the court and other bodies.

#### **Topic 1. Civil procedure and its principles.**

Forms of protection of rights and legitimate interests of citizens and organizations. Essence, main features and significance of civil procedural form. The interaction of judicial and non-judicial forms of protection. Concept, subject, method and system of CCPR. Relationship of CCPR with other branches of law. Sources of civil procedure law.

#### **Topic 2. Civil proceedings of the Republic of Kazakhstan.**

The concept of civil proceedings and its tasks. Stages of civil proceedings. Differentiation and types of civil proceedings. Specialization of courts. Alternative ways of settling civil law disputes and civil proceedings. The concept of procedural deadlines and their meaning. Types of procedural deadlines. Deadlines for consideration of civil cases (full and reduced). Concept and composition of legal costs in civil proceedings. Distribution of legal expenses.

#### **Topic 3. Civil procedural legal relations.**

The concept of civil procedural legal relations and their features. The grounds for the emergence of civil procedural legal relations. Civil standing and civil standing. Content and object of civil procedural legal relations.

#### **Topic 4. Subjects of civil procedural legal relations.**

Legal position of the court. Composition of the court. The concept of parties to a civil process and their procedural rights and obligations. Concept, purpose, grounds and types of procedural complicity. Procedural rights and obligations of co-defendants. Concept of improper respondent. The concept and grounds of procedural succession. The concept of third persons in civil proceedings and their types. Grounds and forms of participation of the prosecutor in civil proceedings. Grounds and purpose of participation of state bodies. Concept of representation in court. Persons who promote justice.

#### **Topic 5. Jurisdiction and jurisdiction of civil cases.**

The concept of jurisdiction. Types of jurisdiction. Jurisdiction of the court of claim cases. Jurisdiction of cases of special claim and special proceedings. Jurisdiction of several, related requirements. Priority of judicial jurisdiction. Trends in the development of jurisdiction legislation. The concept of jurisdiction. Difference of jurisdiction from jurisdiction. Types of jurisdiction. Patrimonial jurisdiction. Territorial jurisdiction and its types. Extraterritorial jurisdiction. Jurisdiction of civil cases to specialized courts. Agreement on jurisdiction.

### **Topic 6. Judicial proving and evidence.**

Concept, purpose and subjects of judicial evidence. Concept of judicial evidence and their classification. Factual data and methods of evidence. The concept of the object of proof. Facts not subject to proof. Rules of evidence. Relevance and admissibility of evidence. Reliability and sufficiency of evidence. Court's demand for evidence. Provision of evidence. Letters rogatory. Research of evidence. Evaluation of evidence. Expertise. Involvement of a specialist.

### **Topic 7. Sue and suing.**

The concept, essence of legal proceedings. Rules of suit proceedings. The concept of claim, its types and elements. The right to claim and the right to sue. Preconditions of the right to claim (general and private, positive and negative). Joining and separation of claims. Protection of interests of the defendant. Objection to the claim (substantive and procedural). Counterclaim. Modification of the claim. Withdrawal of the claim. Recognition of the claim. Settlement agreement. The order of securing the claim and cancellation of securing the claim. The procedure of filing a claim and the consequences of its non-compliance. Statement of claim and its details. Return of the claim. Leaving the application motionless. Grounds for refusal to accept the application. Acceptance of the claim.

### **Topic 8. Case preparation for trial.**

Conciliation in civil proceedings. Preparation of the case for trial and its significance. Time limits for the preparation of a civil case for trial. Proceedings conducted by the court in preparation of a civil case for trial. Assignment of the case to the trial. Summons to the court and other notices of the court. Contents of the summons to the court. Search for the defendant. The concept and types of conciliation procedures. Nature of the settlement agreement. The place of the institution of settlement agreement in civil procedural law. Consequences of the conclusion and approval of the settlement agreement. Mediation as an alternative method of dispute resolution. Principles and tools of mediation. Role and functions Concept and essence of the participatory procedure.

### **Topic 9. Trial at first instance.**

Significance of the trial. Role of the presiding judge. Parts of the trial Preparatory part. Consequences of non-appearance of persons summoned to court. Disqualification of the judge and other participants in the process. Consideration of the case on the merits (investigation of the facts of the case). Judicial debate. Conclusion of the prosecutor. Delivery of the decision and its announcement. Adjournment of the case. Suspension of proceedings. Termination of the case without a court decision: dismissal of the case, dismissal of the application. Their difference on the grounds and legal consequences. The record of the court hearing, its content and significance. The right of persons involved in the case to acquaint themselves with the record of the trial, the right to submit comments on the record of the trial.

### **Topic 10. Acts of the court of first instance.**

The concept and types of judicial acts. The nature and meaning of the judgment. The requirements that must satisfy the court decision. The content of the decision (its constituent parts). Elimination of shortcomings of the court ruling. Additional decision. Clarification of the decision. Correction of transcripts and arithmetic errors. Validity of the court decision. The moment of entry into force of the decision. Legal effects of the decision. Immediate execution of the decision. Delay and instalment of the decision. Change of the way and order of execution of the decision. Indexation of the awarded money. Decision of the court of first instance. The difference between a court decision and a court ruling.

Types of definitions (according to content, form, order of delivery). Validity of court decisions. Specific definitions.

### **Topic 11. Simplified (written) proceedings.**

The concept of simplified (written) proceedings. Prerequisites and conditions for the consideration of the case in a simplified (written) proceeding. Types of summaries (written) proceedings. The concept of order proceedings. The requirements on which the court order is made. Application for a court order. Court order.

### **Topic 12. Special proceedings. Special lawsuit proceedings.**

The concept and nature of special lawsuit proceedings. Means of initiating the process.

The concept and essence of special proceedings. The difference between special proceedings and suit and special actions. Procedure of consideration of cases of special proceedings. Establishment of facts having legal significance. Content of the application. Persons involved in the case. Conditions for establishing legal facts.

### **Topic 13. Revision of the judicial act.**

The nature and significance of the appeal stage, challenges to decisions and determinations that have not entered into force. Right of appeal, appeal. Object of appeal. Content of the complaint and protest. Leaving the complaint without movement. Actions of the court after receipt of the complaint (protest), procedural procedure and terms of consideration of cases by the court of second instance. Scope of consideration of the appeal (protest). Powers of the court of second instance. Grounds for annulment of the court's decision on appeal.

### **Topic 14. Proceedings involving foreign persons.**

Civil procedural rights and obligations of foreign citizens, stateless persons, foreign and international organizations. Civil procedural legal capacity of foreign citizens and stateless persons. Legal standing of a foreign, international organization. Competence of the courts of the Republic of Kazakhstan in cases involving foreign persons. Jurisdiction of civil cases in disputes involving foreign citizens and stateless persons. Significance of proceedings in a foreign court. Claims to foreign countries. Execution of letters rogatory from foreign countries. Execution of decisions of foreign courts and arbitrations. Recognition of decisions of foreign courts not requiring execution. Jurisdictional immunity of foreign state and its features.

### **Topic 15. Proceedings relating to the execution of acts of the court and other organs.**

Execution of judicial acts as a stage of civil process. Role of court in enforcement proceedings. Parties in enforcement proceedings. Acts subject to enforcement. Types of execution documents. Order of issuance of the executive list. General rules of execution.

#### **Reading:**

##### *Basic reading:*

- 1) 1) Civil Procedure Code of the Republic of Kazakhstan dated October 31, 2015 № 377-V LRC // <https://adilet.zan.kz/rus/docs/K1500000377>
- 2) Баймолдина З.Х. Гражданское процессуальное право Республики Казахстан: В двух томах. Том 1. Учебник. – Алматы: КазГЮА, 2001. – 416 с.
- 3) Баймолдина З.Х. Гражданское процессуальное право Республики Казахстан: В двух томах. Том 2. Учебник. – Алматы: КазГЮА, 2001. - 366 с.
- 4) Нормативные постановления Верховного суда Республики Казахстан.// <https://www.sud.gov.kz/rus/kategoriya/normativnye-postanovleniya-verhovnogo-suda-respubliki-kazahstan>
- 5) Administrative Procedure Code of the Republic of Kazakhstan of 29 June 2020 № 350-VI // <https://adilet.zan.kz/rus/docs/K2000000350>

##### *Additional reading:*

1. Акимбекова С.А. Методические рекомендации по организации и проведению деловой игры по гражданскому процессу: учебное пособие. – Алматы: Қазақ университеті, 2014. – 78 с.
2. Афанасьев С. Гражданское процессуальное право: учебник. - М.: Юрайт, 2014. - 444 с.
3. Баулин О.В., Носырева Е.И., Фильченко Д.Г., Шеменова О.Н. Виды гражданского судопроизводства: учебное пособие под общ.ред. О.В.Баулина, Е.И. Носыревой. – М.:Инфотропик Медиа, 2012. – 280 с.
4. Борисова Е.А. Апелляция, кассация, надзор по гражданским делам: учеб.пособие, 2-е изд., перераб. и доп. — М. : Норма : ИНФРА-М, 2016. – 352 с.

5. Бычков А.И. Актуальные проблемы судебного разбирательства. - Издательство: Инфотропик Медиа, 2016. – 480 с.
6. Гражданский процесс: учебник. Отв. ред. Блажеев В.В., Уксусова Е.Е. - М.: Проспект, 2015. – 736 с.
7. Гражданский процесс: учебник. Под ред. Треушникова М.К. - М.: Статут, 2014. – 504 с.
8. Иные источники.