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Problems of Legislation Systematization in the Sphere of Entrepreneurial Activity

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Abstract:

The paper looks at the process of systematization of Kazakhstan's legislation in the sphere of entrepreneurial activity and problems associated with that. Based on comparison with specific regulations of the CIS member countries that observe codified laws in the field of entrepreneurship, the paper focuses on the necessity to accurately forecast the effect exerted by systematization of legislation and choosing its optimal form. The authors ascertain the fact that there is no doctrinal justification for performing systematization works, which results in the unreasonable use of particular public relations while enforcing legal regulation. In this regard, the article proposes to design a doctrine of systematization of the national legislation in the sphere of entrepreneurship. This will exclude redundant elements in the legal regulation system, thereby ensuring its normal functioning.

Keywords: entrepreneurial activity; government regulation; legislation codification.

JEL Classification: K22; K15; K40.

Introduction

Every state, as it develops socially and economically, performs a methodical work on its legislation. Legal acts are typically aimed at regulating a specific aspect or sphere of public relations, are adopted by various government authorities at varying times and may be valid at different territories. In the wake of that, at a certain stage, the legislature of any state encounter the necessity to systematize them, as this influences the effectiveness of legal regulation of public relations. This was the problem that faced the legislature of Kazakhstan after gaining independence. Despite the fact that the theory of law offers several types of legislation systematization, the government of Kazakhstan assigns a high priority to codification, the application of which is in some cases unreasonable due to insufficient grounds. The process of codification of the legislation in the area of entrepreneurial activity attracted the most careful attention of the public.

It is worth mentioning that within the national legal framework there was no considerable discussion on systematization of the entrepreneurship legislation until 2009 when the Concept of Legal Policy for the period 2010

to 2020 (*On the Concept of Legal Policy* 2009) was adopted by the decree of the President of Kazakhstan. In particular, it discussed 'the emergence of the need for eliminating the multiplicity and cumbersomeness in the legislative regulation of business activity, as well as facilitating the maximum application availability and business laws in the economic sphere'. It also said that the specified fact 'dictates the need for a central act–that is, a code which would be a pillar for building a system regulating the business' (*On the Concept of Legal Policy* 2009).

Generally advocating the very idea of the national legislation systematization, we assume that, when assessing the need and expediency of its implementation, the specifics of this sector should be taken into consideration, as well as a qualitative forecast of the effect of its application provided. All this should be also taken into account when establishing the type of systematization that is optimal for this sector. Any systematization, therefore, should be preceded by pre-systematization procedures, i.e. measures aimed at preliminary determining an array of legal acts, systematization of which is expedient, necessary and, above all, feasible without any negative consequences for the legal regulation mechanism. Currently, the Entrepreneurship Code (EC) of Kazakhstan is already an active codified act. However, the process of its development and adoption demonstrated a range of systemic problems, which are worth paying attention to.

1. Literature Review

One of the most significant gaps in the national legal science of Kazakhstan is the absence of a doctrinal justification and scientific-theoretical recommendations about implementation of systematization activities. Consequently, when implementing, there are problems with choosing the optimal form, which explains the phenomenon of 'the codification boom', when every public agency seeks to entrench legal regulation of certain public relations precisely in the Code – a legal act of higher level. It is noteworthy that in 2016 there were 18 Codes in Kazakhstan, and there are 20 of them today (*The Codes of the RK*).

At the baseline of systematization, Kazakhstan's entrepreneurship legislation was a complex integrated system containing a rather large number of legal acts, most of which were laws of a special nature, in particular (Kizdarbekova and Nurmaganbetov 2015, 91):

- Regulatory acts establishing the basic principles of entrepreneurial activity implementation (for example, the law of the RK 'On Economic Partnerships', etc.);
- Regulatory acts on small business and its state support (for instance, the decree of the President of Kazakhstan 'On Cardinal Measures to Improve the Conditions for Entrepreneurial Activity in Kazakhstan', etc.);
- Regulatory acts on state support for innovation activity (for example, the law of the RK 'On Science', etc.);
- Regulatory acts on consumer rights protection;
- Regulatory acts on support for national producers (for example, the law of the RK 'On Special Protective, Anti-Dumping and Countervailing Measures in Relation to Third Countries', etc.);
- Regulatory acts controlling specific types of entrepreneurial activity (for instance, the law of the RK 'On Insurance Activity', etc.);
- General regulatory acts controlling specific aspects of entrepreneurial activity.

Codification is a form of systematization by way of combining statutory acts into a single logically integral act, where their content is changed. Codification presumes elimination of obsolete legal material and discrepancies between norms. New rules of conduct are established, and they are uniform and logical (Briksov 2003). In the light of this, codification is a manner of law-making and the most labor-intensive type of systematization (Kizdarbekova).

It is interesting that lately we have been observing a law-making tendency associated with expansion of the scope of homogenous public relations that should be regulated with the help of legal codes. In some cases, this cannot but raise doubts over generally accepted special significance of codified acts in the system of legislation.

Some issues explored in the current paper were debated in the legal literature and various discussions throughout the period of systematization of legislation in the field of entrepreneurial activity. It is worth noting that during discussion of the draft law of the Entrepreneurship Code many experts, including foreign specialists, criticized the very idea of creating this act. The position of these scholars is set forth in a collection of articles 'The Entrepreneurship Code as a Tool for Ruining the Legal System of Kazakhstan' (Suleymenov 2011).

Along with that, the issues of business legislation codification were examined in the proceedings of the International scientific and practical conference 'Legal Monitoring in Kazakhstan: Theory, Problems and Prospects' (*Legal Monitoring in the RK* 2012), which featured reports by Suleymenov, Basin, Kizdarbekova (Kizdarbekova 2012; Kizdarbekova 2013; Kizdarbekova and Sukhankulov 2015), Moroz, Skryabin, Alikhanov, Chanturiya, Ilyasova, *et al.*

Within the scope of the present article, the authors are going to address the problems that faced the process of codification of legislation in the sphere of entrepreneurial activity in Kazakhstan with a view to excluding them in the subsequent systematization of the national legislation.

2. Methods

When preparing the paper, the authors applied general scientific methods, methods of theoretical analysis (system-based and logical approaches), methods of empirical research (comparing, grouping). While following a system-based approach, we also utilized specific scientific methods, such as formal-legal and comparative-legal. A system-based approach, which allows analyzing and synthesizing data obtained in the course of various research studies, provides an opportunity to form a holistic view of the subject under consideration, identify a diversity of links between its components and organize them into a single theoretical system.

The application of a formal-legal method was of importance in the process of forming the categorial framework (determining categories, developing concepts), as well as for the analysis of legal standards and norms enshrined in both the current Civil Code and the draft law of the Entrepreneurship Code.

A comparative-legal method allowed us to conduct an analysis of the international practice of systematization of legislation in the field of entrepreneurial activity and juxtapose it with the national one.

3. Results and Discussion

Given the multifaceted nature of entrepreneurial activity, it is virtually impossible to unite the entire mechanism of its legal regulation within one codified act. This is why all the attempts to design the Concept of the draft law embracing all public relations in this sphere initially failed and were severely criticized.

For example, the first project of the Concept established the following categories of public relations in the sphere of entrepreneurship as the subject of regulation of the Entrepreneurship Code: (1) property relations (private law relations); (2) management relations (public law relations); (3) intrafirm relations (corporate relations) (*The Draft Entrepreneurship Code* 2012). At the same time, the Concept mounted no arguments proving that the adoption of the draft law will really boost the effectiveness of the legal regulation mechanism. The project of the Concept provoked fierce criticism among many specialists, including foreign experts. The scientists were unanimous in thinking that the authors of the Concept (*Open Letter* 2011): provided no clear and sufficient rationale for developing the EC and, moreover, referring to the foreign experience, they themselves stress that the development of the EC was unfounded; tried to build unproductive concepts of private law dualism and business law self-sufficiency into the content of the EC, as well as distorted the legal understanding of the Code as a type of a statutory act.

It can take too long to debate about the correctness and expediency of both the development of the very Entrepreneurship Code and the inclusion of certain norms in it. We consider it important to analyze the tenability of those arguments which were used by the developers as the reason for implementing systematization of business legislation in the form of codification.

3.1. Argument 1

Argument 1. An array of legal acts is immense; there are no limits and guarantees that it will ever stop growing; it is impossible to adopt new special laws for every emerging sector or type of entrepreneurship. It is obvious that the objects of laws are diminishing and becoming fragmented (Suleymenov 2011, 201).

While looking into this argument, it is worth noting that today's entrepreneurial activity is rather diverse. The market economy creates quite favorable conditions for entrepreneurs to show initiative. Therefore, a growing number of regulatory acts controlling business activity is a natural process. It is hardly possible to envisage all details of the implementation of all types of entrepreneurial activity within the framework of a single law. Naturally, there were serious doubts about the confidence of the Concept's authors in the possibility to regulate all types of business activity within the framework of the Entrepreneurial Code alone.

The experience of Ukraine corroborates the utopian nature of this view. For example, according to N.S. Kuznetsova, 'four articles of the Economic Code dealing with securities do not contain any specific provisions with regard to the legal regime […] the latter is determined in a special law. […] A similar legislative scheme is utilized in […] many other articles of the Economic Code' (Kuznetsova 2011, 48).

Thus, in this case codification is unable to prevent further growth of an array of legislative acts regulating business activity. As for the future of the Economic Code of Ukraine, the attempts to coordinate the two Codes (the Civil Code and the Economic Code) did not deliver the desired results. Consequently, the Cabinet of Ministers of Ukraine instructed the Ministry of Justice to prepare a draft law stipulating common legal and organizational principles of economic activity and regulating relations arising between business entities which will supersede all

the norms of the Economic Code of Ukraine (Kornilyuk 2008, 90). Therefore, we are back to square one (Kizdarbekova 2012(2), 324).

3.2. Argument 2

Argument 2. There is a need to create a common conceptual and methodological basis for all regulatory acts aimed at controlling entrepreneurial activity and business relations (Suleymenov 2011, 201).

It is necessary to propose a definition of entrepreneurial relations and determine what kind of relations this phenomenon generates. Any activity, including business one, aims to acquire and utilize goods meeting people's needs, namely material benefits, such as income and profit. Satisfaction of the demand for goods, works and services, as well as use of property happen through concluding and carrying out sales agreement, work contract, contract for hire of property, paid services contract, contract of carriage, safekeeping agreement, etc. Norms affecting entrepreneurial activity in one way or another are scattered throughout all sections of the Civil Code and enshrined in a multitude of other laws and regulatory legal acts of civil law.

The business sphere is characterized by the presence not only civil relations, but also relations on state regulation and control in the field of entrepreneurship. Such relations may embrace those, which are inherently material, but founded on administrative or other authority-based subordination of one party to another. Civil law is not applicable to such relations, including tax and other budgetary relations, except for the cases stipulated by legislative acts.

Hence, civil law incorporates a substantial part of relations in the sphere of conducting entrepreneurial activity. That is why business law in a narrow sense refers to a part, a sub-discipline of civil law, although not spun off into a separate section as other sub-disciplines, but concentrated on a special subject – an entrepreneur, and in a broad sense – to an integrated branch of law.

Determining the position of business law in the system of civil law, Popondopulo defines it as a functional sub-discipline of civil law. He points out that the criterion for delimiting commercial law in the system of civil law (relations with involvement of a special subject, i.e. entrepreneur) is similar to the criterion for delimiting private international law in the civil system of law (relations complicated by a foreign element). Other sub-disciplines of civil law (right in rem, law of obligations, intellectual property right, inheritance law) are subject-specific sub-disciplines as they are demarcated in the system of civil law according to the content of regulated relations (Popondopulo 2008, 25).

In other countries, any norms regulating economic relations and affecting the interests of entrepreneurs belong to the sphere of business law. Such a broad understanding of business law does not require its subject matter to be restricted by the area of law. Therefore, in this context, business law includes such norms that in the traditional sense (division into the branches of law) are the sources for other branches of law that are hardly associated with entrepreneurship (for instance, environmental, land or labor law) (Sukhanov 2008). It does not seem possible to work out a single method for these relations, but there are a number of methods developed within the framework of the existing branches (Kizdarbekova 2012(2), 325).

3.3. Argument 3

Argument 3. Entrepreneurs, especially those who just start their business, suffer from a lack of common 'rules of the game'; the principle 'profit by any means' prevails and frequently exerts a negative impact on consumers (Suleymenov 2011, 201).

'Rules of the game' for entrepreneurs should be common for all. This concerns primarily the relationships between the state and business. The problem of legal regulation of entrepreneurial activity is that quite often there is a disturbance of the balance between private and public norms while regulating relations which are by nature private. Freedom of expression and equality of participants are the fundamental principles of civil law. However, the opportunities provided by civil law are not used to their fullest extent, since, for example, tax, financial, banking and other laws introduce various restrictions upon specific subjects.

Inequality of subjects is also mirrored in benefits granted to individual business entities, such as small enterprises. This approach originates from the state policy on protecting and supporting small business. Nevertheless, when entering these relations, the subject is initially aware that these relations are of aleatory character and, accepting this risk, the subject assumes all responsibility for its entrepreneurial activity with a certain probability of gaining potential benefit or loss; in all respects, risk serves as an indicator that the environment is unstable from the perspective of current changes. We should admit that under the conditions of the market economy entrepreneurs are independent commodity owners (private owners) and cannot act otherwise than realize their private interests by performing independent and initiating actions at their own risk and on their own responsibility. Hence, there is no other way to legally register their activity but through the norms of private law. It is necessary to

expand the domain of civil law, but not to shrink it by including norms of public law or segmenting certain norms as artificially created branches of law. Without a doubt, advanced entrepreneurial activity is inconceivable without public-law control and a number of necessary reasonable restrictions that to a certain extent confine private rights and freedoms of entrepreneurs, but by no means abolish them and do not change their legal nature. Special features of entrepreneurial relations and their legal regulation 'do not change the nature of commercial law as private and do not abolish the actions of the general principles of private law' (Popondopulo and Yakovleva 2002, 35).

3.4. Argument 4

Argument 4. The Civil Code is no more the core of everything private, including business legislation, which is confirmed by a tremendous growth of special laws regulating entrepreneurial activity, as well as replenishment of the Civil Code with norms that are not related to private law, i.e. corporate, organizational, etc. The Civil Code ceases to be an act of direct effect, since a considerable portion of its provisions are reference norms (Suleymenov 2011, 201).

The Civil Code is the major legislative act that unites the norms of private law, including those that reflect the distinguishing features of entrepreneurial activity. This, in particular, is reflected in the fact that 'norms of civil law of Kazakhstan cannot contradict the fundamental principles of civil law of Kazakhstan' (para. 1, Art. 3 of the Civil Code of Kazakhstan). The presence of direct references to specific laws in the Civil Code should be treated as the legislator's activity aimed at enhancing the role of laws in regulating relations.

Civil law encompasses a number of special norms which are designed to be applied exclusively to relations with participation of entrepreneurs. Specifically, they include regulations on property legal status of entrepreneurs, commercial representation, particularities of the emergence and execution of obligations when conducting entrepreneurial activity. However, the specific character of entrepreneurs' participation in property relations does not exclude, but involves the application of the Civil Code's general provisions (for example, on legal entities, rights in rem, transactions, obligations, etc.) to these relations. When it comes to including norms of corporate law in the Civil Code, in the opinion of civil lawyers, it is especially important to include articles on joint-stock companies in the Civil Code (Karagusov 2011, 31). The significance of this approach was determined by Makovsky, who points out that this predetermines the main content of the very law on joint-stock companies and resolves the issue of subordinating the relevant relations to general provisions of the Civil Code: 'It immediately becomes clear that this law belongs to the sphere of civil law. Do not apply its norms separately from the norms of the Civil Code' (Makovsky 2010, 688).

3.5. Argument 5

Argument 5. The Civil Code establishes common rules for imposing civil liability on entrepreneurs and ordinary consumers, but such an approach violates the underlying principle of entrepreneurs' increased responsibility (Suleymenov 2011, 201).

Civil liability in the sphere of entrepreneurial activity is a type of legal liability of entrepreneurs. It lies in an obligation of the infringer of civil rights and obligations, which arise while performing business activity, to be subjected, voluntarily or compulsorily, to undesirable property consequences in the form of deprivation of civil rights or assignment of new or additional civil duties in favor of a person whose rights have been contravened.

To guarantee the maximum effect of legal regulation in the field of entrepreneurship, it is necessary to follow the principle of *reasonable* proportionality between public and private interests that does not 'change the private nature of commercial law and does not abolish the effect of the general principles of private law' (Popondopulo and Yakovleva 2002, 35).

The balance between public-law and private-law interests as a special principle of civil liability demonstrates the two aspects: content-related (social-legal, material) and formal (technical-legal). The content-related aspect implies objectively existing interests, a certain scale of values (goods) which the subjects try to achieve. The technical-legal aspect should be manifested in appropriate means of expressing the achieved balance at the level of legislative acts, including in formulation of a draft law's objectives, its principles, general and specific provisions (Khamudullina 2005).

At present, this balance is not completely struck. The concepts associated with establishing the grounds for civil liability in the sphere of entrepreneurial activity are formed and applied in the context of public-legal culture. The sign of publicity of civil liability is, therefore, of the utmost importance in the course of comprehending the notions of 'guilt' and 'risk'. As a result, we arrive at the conclusion that the subject's accountability, while conducting entrepreneurial activity, is incommensurably greater than that of all other participants of civil circulation.

There are attempts to justify such deviation from legal equality from the standpoint of immature market relations, since in the context of developed market economy entrepreneurs' increased responsibility is unacceptable, it discredits the legislator, and therefore the defect of this scheme, as a rule, should be eliminated. However, for some reason, the public-law culture still serves as a reference point. The values of the private-law culture, which form part of the legal heritage entrenched in the modern legal systems of some European nations, are virtually not taken into account.

There is an explanation for this too. Law and order are protected by the state. Public aspects, being theoretically comprehended, served as the basis for traditional, in the national legal science, definitions of the concept of 'legal liability' and identifying its principles and functions. This resulted in the creation of some kind of a 'public coordinate system' of legal liability, which usually comprises its civil form with reservations, since it exhibits a pronounced dissimilarity, namely the presumption of guilt (instead of the presumption of innocence common to the public sphere).

Meanwhile, if, within the framework of civil liability in the sphere of entrepreneurial activity, one is consistently guided by the principle of balanced public-law and private-law interests, then it is necessary to allow for not only the aspect of external coercion, but also internal, ethical components, moral criteria and assessments of business practice. In other words, in the field of application of civil liability in business, not only external coercion plays an important role, but also an inwardly free conviction of caring entrepreneurs, their 'moral self-enforcement' to show the same zeal and diligence in relation to the interests of counterparties as with their own. Thus, what we call 'increased responsibility' is, in fact, associated with standard of care. In essence, entrepreneurs are entrusted with the risk of responsibility for improper standard of care, i.e. they, among other things, risk to the same extent, to which they were unable to take care.

In today's legal interpretation, risk is neutral with respect to morality, whereas guilt demonstrates a certain ethical aspect. This heterogeneous essence does not allow us to assert with a reasonable degree of accuracy whether guilt is a particular case of risk; they cannot be equaled. This comprehension presupposes a balance between public-law and private-law principles, manifested, in turn, through the ratio of the concepts of 'independence - conscientiousness - guilt - risk' (Kizdarbekova 2012(2), 326). If perceiving them exclusively from the perspective of external coercion, we arrive at the theory of 'guilty origins with exceptions', and when trying to explain the existence of such exceptions - at various interpretations of guilt and risk. If we turn to the original, classical for all the civil science sense of the abovementioned concepts, then civil liability in relations with the participation of entrepreneurs will no longer be recognized as 'increased'.

3.6. Argument 6

Argument 6. The Civil Code by definition cannot contain the norms establishing the basis of interaction between entrepreneurs and the state and encouraging public-private partnership, forms and directions of state regulation of entrepreneurial activity, fundamentals of the functioning of business associations, etc. (Suleymenov 2011, 201).

Indeed, this argument was one of those few arguments that were initially tenable. In the sphere of entrepreneurship, there are relations on state regulation and control in business area that act as the subject of public law regulation. Eventually, these relations represented the backbone of a new codified act, namely the Entrepreneurship Code. It is worth mentioning that such a structure of the Entrepreneurship Code became a sort of compromise that was worked out by the developers in order to curb criticism of the scientific legal community about its invalidity and inconsistency.

To date, the issue of correlation between the Civil Code and the Entrepreneurship Code remains relevant.

According to the Entrepreneurship Code of Kazakhstan (para. 1, Art. 1), the legislation of the RK in the sphere of entrepreneurship is based on the Constitution of Kazakhstan and consists of this Code and other regulatory legal acts of Kazakhstan (*The Entrepreneurship Code of the RK* 2015). As we can notice, according to the Entrepreneurship Code, the Civil Code of the RK belongs to neither the basic principles of entrepreneurship legislation, nor its components.

At the same time, para. 2 of Art. 1 states that the commodity-money and other property relations based on equality of participants, as well as the personal non-property relations connected with property are governed by the civil legislation of Kazakhstan (*The Entrepreneurship Code of the RK* 2015). It is noteworthy that the legislator employed a very interesting technique: specifying only the composition of the entrepreneurship legislation and excluding the property relations based on equality of participants by transferring them into the purview of the Civil Code, it is possible only approximately to establish the subject of regulation of the Entrepreneurship Code through analyzing its content. This is some kind of a legal anomaly, when the subject of regulation of a legislative act is not specified, but only presumed.

Despite the fact that the Civil Code is excluded from the legislation in the sphere of entrepreneurship, throughout the whole text of the Entrepreneurship Code there are norms duplicating the provisions of the Civil Code that have been in existence and in force for many years. For example, Art. 36 'State Registration of Sole Traders' duplicates, with some extractions, the provisions of Art. 19 'Entrepreneurial Activity of Citizens' of the Civil Code of Kazakhstan. Similarly, Art. 51 'Entrepreneurship of State Enterprises' contains only a small part of provisions that are in detail and logically presented in the chapters on the rights of economic and operational control respectively (Chapters 9 and 10) (*The Civil Code of the RK* 1994). Moreover, it is impossible to grasp the essence of the indicated rights in rem taking them out of context of civil legislation. The more so, as the provisions of the Law of the RK No. 413-IV 'On State Property' of March 1, 2011, which in its content is supposed to be fully consolidated in the Entrepreneurship Code, are not included in the text of this Code.

The presence of blanket norms in the Entrepreneurship Code (Art. 84, 85, etc.) violates the requirements for the direct effect of law and jeopardizes the stability of legal regulation of public relations. Law should not be flexible; its norms should be clear and unambiguous designed for long-term and stable regulation of public relations.

In general, the Entrepreneurship Code consolidates about 11 laws; and in order to harmonize entrepreneurship legislation, almost 100 statutory acts have been altered. At the same time, there still remains a need for many other special laws due to the fact that the EC has established only the fundamental principles of interaction between business entities and the state, including the principles of state regulation and support for entrepreneurship.

Therefore, after the adoption of the Entrepreneurship Code, the goal of eliminating an excessive amount of legislation has not been achieved. In addition, despite the attempts to reduce the number of reference norms, their quantity is still very substantial.

In this regard, we believe that there is a long-felt need for delimiting the terms 'code' and 'codified act'. A number of researchers have already addressed this problem (Suleymenov 2011, 228). For example, Pigolkin insists that it is unacceptable to equate codified acts and codes (Pigolkin 2003, 382) and argues that it is a typical problem of Kazakhstan's legislation practice to reduce codification only to integrating regulatory legal acts into codes. For the record, the Russian legal system among codified acts, apart from codes, lists regulatory legal acts of federal level that contain the most important general principles on the subject of joint competence of the Federation and its constituent territories, as well as consolidated federal laws that, as a rule, combine a narrower group of legal norms, but with a clearly defined subject of regulation (Pigolkin 2003, 382). Such codified laws are primarily typical of various subindustries and institutions of administrative law.

Conclusions and Further Research

In conclusion, it should be noted that the Entrepreneurship Code of Kazakhstan does not adequately meet the requirements for a code, i.e. an act that has a special status in the hierarchy of regulatory legal acts. Unlike most codified acts of Kazakhstan, its structure does not correspond to the Pandectist system, i.e. it does not have General Part due to the objective impossibility of establishing common norms for regulating relations in the sphere of entrepreneurship that are characterized by a heterogeneous public-law and private-law nature. The national legal system has already witnessed some examples of a similar structure of codified acts.

In our view, treating universal codification as the primary avenue for improving legislation is rather logical and expedient, since it allows resolving the problem of prioritizing codes over ordinary laws–a factor of the utmost importance for the adequate and efficient functioning of the legal regulation system. In this connection, we suppose it is reasonable to delimit the concepts of 'code' and 'codified act' retaining a narrow range of codes at a higher stage of the hierarchy of laws.

At the same time, in order to perform an effective systematization of the national legislation both in entrepreneurship and other spheres in Kazakhstan, it is necessary to design a doctrine of systematization of the national legislation; when creating the concept of a codified draft law, to carry out a qualitative forecasting of the efficiency of universal, sectoral and special codification.

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