

## 2 CIVIL LAW, CIVIL PROCESS

### АЗАМАТТЫҚ ҚҰҚЫҚ, АЗАМАТТЫҚ ҮРДІС

### ГРАЖДАНСКОЕ ПРАВО, ГРАЖДАНСКИЙ ПРОЦЕСС

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### MECHANISMS OF OBSERVANCE OF LABOR DISCIPLINE AND DISCIPLINARY RESPONSIBILITY IN THE LABOR LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

#### Abstract

The article analyzes in detail the legal norms of the labor legislation of the Republic of Kazakhstan concerning labor discipline and disciplinary responsibility, both from a theoretical and practical point of view. The purpose of the study is to reveal the content and legal nature of the institutions of labor discipline and disciplinary responsibility, to assess their impact on law enforcement practice, as well as to identify legal gaps and regulatory contradictions in the regulation of labor rights. The authors evaluate their legal technique, effectiveness and legal transparency by conducting an in-depth legal analysis of the relevant norms of the Labor Code of the Republic of Kazakhstan. In addition, they draw attention to unnecessary formalities and legal shortcomings in the procedures for violating labor discipline and imposing disciplinary penalties. The results of the study substantiate the need for systematization and improvement of law enforcement practice, determining the importance of harmonizing national labor legislation with generally recognized standards of international labor law. The practical significance of the study is determined by the evidence of the need to increase the level of protection of the rights and legitimate interests of labor participants by increasing the effectiveness of mechanisms for the legal regulation of labor relations.

**Keywords:** labor law, labor discipline, labor relations, labor legislation, employee, employer, disciplinary liability.

## **Introduction**

Labor discipline reflects the imperative nature of labor relations regulation, highlighting the hierarchical dynamic between the parties as defined by legal norms. Within the framework of labor law, this dynamic is primarily manifested through the disciplinary liability of employees toward the employer, with the enforcement of such measures largely left to the employer's discretion.

Kazakhstan's labor legislation faces a number of paradoxes and unresolved issues. One of the central challenges in regulating labor relations and ensuring legal compliance lies in the mechanisms of imposing liability on employees found to be at fault. A paradoxical situation has emerged in the current labor law landscape: due to the prioritization of employers' interests, employees have become the more vulnerable party in labor relations. Under the existing legal framework, employees may be subjected to multiple forms of liability – disciplinary, material, administrative, and even criminal – significantly increasing the pressure they experience within the workplace. This study explores the role of unemployment as a mechanism of labor discipline in Kazakhstan, focusing on the correlation between unemployment rates and labor law reforms since the country's independence. It traces the key stages in the evolution of labor legislation, particularly those connected with disciplinary regulation.

Although labor relations are initially built on the principle of legal equality between employer and employee, any breach of duty disrupts this balance, granting the employer the authority to impose disciplinary sanctions. Historically, labor law has functioned as a safeguard against exploitation, thus emphasizing the need for proportionality between misconduct and punishment, and strict adherence to due process. The institution of disciplinary liability constitutes a core element of labor law. It is closely linked to the broader legal development of labor relations, regulatory mechanisms, and modes of economic cooperation. There is growing interest in establishing unified approaches to the regulation of disciplinary relations, grounded in fundamental labor law institutions and model norms. This trend supports the harmonization of labor legal systems, particularly regarding disciplinary liability enforcement.

At present, the reform of the disciplinary liability institution, including the scope and nature of disciplinary penalties, has become a pressing legal concern. Disciplinary sanctions serve to promote workplace order and productivity. Standard labor market theory in developed economies often frames unemployment as a disciplinary mechanism. This study adopts that theoretical lens to analyze Kazakhstan's context, proposing a model that links unemployment rates to the legal regulation of labor discipline. While labor law reforms have indeed shaped the country's labor market, disciplinary measures such as dismissal are only one among many influencing factors.

## **Materials and methods**

To achieve the objectives of this study, a comprehensive theoretical and empirical analysis was conducted with an emphasis on the labor legislation of the Republic of Kazakhstan, in particular, violation of labor contracts and the Institution of disciplinary Responsibility. This comprehensive approach allows for a deeper understanding of the content and legal nature of the relevant regulations, as well as to identify recent changes in legislation regulating disciplinary liability in the labor market. The study relies on various sources of data, including legislative amendments to the Labor Code regarding disciplinary procedures and grounds for dismissal, as well as court decisions related to labor disputes that lead to disciplinary action. The study of the relationship between labor law reforms and unemployment trends stems from two main assumptions: increased disciplinary responsibility can help improve labor discipline and reduce unemployment, and stricter dismissal rules can reduce labor market mobility and, paradoxically, lead to higher unemployment, making it difficult to dismiss ineffective employees.

## **Results and discussion**

The ongoing development of Kazakhstan's market economy necessitates the continual refinement of legal frameworks governing liability within employment relationships. As labor relations become increasingly complex, the legal accountability of parties engaged in wage labor emerges as a

critical subject for scholarly and legal analysis. Contemporary academic discourse offers a range of interpretations regarding how liability should be conceptualized and operationalized within the scope of labor law.

A key theoretical challenge involves distinguishing labor-specific liability from other forms of legal responsibility. These distinctions are not solely based on substantive content; legal institutions often overlap in terms of their functional roles. Therefore, labor law must define its distinctiveness by articulating the specific aims and functions – such as regulation, prevention, sanctioning, and restitution – that justify and shape the imposition of liability within the employment context. Establishing such conceptual clarity is essential for ensuring coherence between labor-specific legal norms and the broader legal system.

Within the framework of Kazakhstan's Labor Code, the formal recognition and structural organization of the institution of labor liability present certain difficulties. Provisions relating to this institution are dispersed across various chapters of the Code, reflecting a lack of structural cohesion between the substance of the legal institution and its formal representation. For example, while the rules on material liability of the parties to an employment contract are codified in Chapter 10, the norms governing disciplinary liability are located in a separate chapter entitled "Labor Order" [1]. This fragmented arrangement undermines the systematic nature and internal logic of legal regulation, making it more difficult to perceive labor liability as a unified and coherent legal institution. A breach of labor discipline is defined as a culpable and unlawful action in which an employee either fails to perform or improperly performs the duties specified in their employment contract. Such a violation is classified as a disciplinary offense and forms the legal basis for initiating disciplinary measures. Disciplinary liability, in this context, represents a particular form of legal responsibility specific to labor relations. As A. Akhmetov and G. Akhmetov explain, it exists alongside other types of legal liabilities – criminal, administrative, civil, and material – each governed by its own legal grounds and procedures [2].

A detailed examination of Articles 63 to 66 of the Labor Code of Kazakhstan reveals an uneven legislative focus: only Article 63 explicitly addresses the concept of labor discipline, while the remaining articles primarily deal with the procedures for enforcing disciplinary responsibility [1]. This imbalance points to a conceptual gap, highlighting the necessity for a clearer and more precise definition of disciplinary liability within the national labor law system.

According to current labor regulations, the authority to initiate disciplinary actions lies with the employer or their appointed management representatives. Kazakhstan's labor law distinguishes between two main types of disciplinary liability: general and special. The general form is established by statutory labor provisions and internal workplace rules and applies broadly across all employees. In contrast, special disciplinary liability applies to particular professional categories and is regulated by sector-specific legislation or administrative guidelines, reflecting the specific responsibilities and requirements of these roles [2].

The Labor Code of the Republic of Uzbekistan also considers disciplinary responsibility as one of the main institutions for ensuring labor discipline. In accordance with the norms of the Code, disciplinary penalties include warning, reprimand and termination of an employment contract as the most severe measure. Unlike Kazakh legislation, in Uzbekistan the list of disciplinary measures is limited and clearly defined, meaning the employer cannot impose additional sanctions. Also, in order to impose a disciplinary penalty, the employer must require a written explanation from the employee, and in case of non-compliance with this procedure, the penalty may be considered illegal. At the same time, in the legislation of both countries, the main factors leading to disciplinary liability are failure to show up for work without a valid reason, negligent performance of work duties or gross violation of labor discipline. However, when applying disciplinary measures in Kazakhstan, the independence of the employer is broader, in Uzbekistan it is legally limited and guarantees for the protection of workers' labor rights are stronger [3].

Kazakhstan labor law underscores the necessity of carefully assessing employee misconduct when deciding on disciplinary measures. Certain violations of workplace discipline – such as alcohol consumption during work hours or actions that disrupt official schedules – may also lead to administrative liability. Additionally, adherence to occupational safety standards is a mandatory legal requirement for all employees. Failure to comply with these safety rules not only breaches internal regulations but

also endangers the health and safety of coworkers and the overall work environment. Regarding the classification of disciplinary responsibility by sector in legal theory, there is no consensus. While it is common to categorize responsibility types based on branches of law, the number of responsibility types is generally fewer than the number of legal branches. This classification plays a crucial role in legislative development and standard-setting processes [4].

The Labor Code of the Republic of Kazakhstan establishes that disciplinary liability is integrated within the framework of labor law. In contrast, material liability, although closely related, specifically addresses the financial consequences of labor violations. While some legal scholars debate whether material liability should be fully classified as part of labor relations, it remains functionally connected and regulated within the labor law system. Additionally, current legislation permits employers to impose both disciplinary and material penalties for the same violation. These two types of liability serve different purposes: disciplinary sanctions aim to prevent and correct employee misconduct, whereas material liability focuses on compensating the employer for any financial losses caused by that misconduct.

Disciplinary liability is fundamentally connected to the broader concept of labor discipline, which intersects with various disciplines such as psychology, sociology, and economics. In legal scholarship, especially within labor law, labor discipline is understood not just as a regulatory category but as a core principle that supports the entire legal framework governing employment [5]. As some experts highlight, workplace discipline extends beyond individual legal rules, functioning as a structural component that ensures the coherence and integrity of labor regulation. It shapes essential aspects of employment, including compliance with working hours, adherence to internal policies, and the fair allocation of responsibilities and rewards [6].

Within the context of legal labor relations, labor discipline serves a critical role. The obligation to maintain workplace discipline can be divided into three main elements. First, employees are expected to focus their individual efforts on completing tasks that contribute to the organization's production objectives. Second, their work must be coordinated and harmonized with the collective efforts of their colleagues, respecting mutual rights and responsibilities. Third, employees are required to follow lawful instructions and directives issued by management in the performance of their professional duties. Together, these components establish the foundation for orderly and lawful conduct in the workplace [7].

Article 21 of Kazakhstan's Labor Code outlines the fundamental obligations of employees, requiring them to perform their duties responsibly, comply with internal labor regulations, uphold labor discipline, observe health and safety standards, and respect the property of the employer and their coworkers [1]. Labor discipline, from a legal perspective, is understood as an organized system aimed at ensuring lawful conduct within the workplace. It functions through the proper exercise of rights and fulfillment of obligations by all parties engaged in labor relations. The Labor Code defines labor discipline as the employee's obligation to comply with behavioral standards established by legislation, collective and individual agreements, internal organizational rules, and employment contracts. This system not only promotes order and predictability in the labor process but also reinforces adherence to labor laws and enhances overall organizational efficiency.

A violation of labor discipline occurs when an employee unlawfully and culpably neglects or fails to fulfill their professional duties. To maintain discipline, employers may employ a combination of incentive-based and disciplinary measures. Positive reinforcement, such as rewards and encouragement, fosters responsible and productive behavior, while disciplinary actions serve as corrective tools to address violations and maintain order. The primary purpose of these measures is preventive – to discourage future infractions. Moreover, disciplinary sanctions contribute significantly to cultivating a culture of voluntary compliance, encouraging employees to internalize the expected standards of conduct over time.

Effective regulation of labor discipline requires careful attention to fundamental legal principles guiding its enforcement. Among these, the interplay between fairness and legality is vital in ensuring just and equitable disciplinary practices. Labor laws mandate that both employers and employees perform their duties in strict compliance with legal norms. When imposing disciplinary measures, employers carry a dual responsibility: to uphold discipline and simultaneously safeguard the lawful rights of employees. They must also provide working conditions that enable employees to fulfill their

duties effectively. Crucially, any disciplinary action must adhere to the principles of proportionality and fairness. This involves assessing not only the nature of the violation but also the surrounding circumstances – including the employee's intent, prior conduct, work history, and job specifics. Such a balanced approach guarantees that sanctions are both legally valid and ethically justified. Thus, the principles of legality and fairness must consistently guide every stage of disciplinary enforcement [8].

Although the current labor legislation of the Republic of Kazakhstan provides for various grounds for termination of an employment contract, not all of them are aimed at adequately protecting the rights of an employee. Conventions of the International Labour Organization and the experience of foreign countries show that in order to ensure the stability of labor relations, it is necessary to improve the procedures for termination of an employment contract.

1. Grounds for termination of an employment contract in the current legislation – in accordance with the Labor Code of the Republic of Kazakhstan, an employment contract is terminated by mutual agreement of the parties, on the initiative of the employee or employer, as well as in other cases provided for by law. In particular, termination of an employment contract at the initiative of the employer may be carried out on such grounds as violation of labor discipline, insufficient business skills, and reduction of a workplace.

However, in practice, it is not uncommon for an employment contract to be terminated at the initiative of the employer and become the cause of many disputes. At the same time, the legal protection of the employee is insufficient, and the existing mechanisms for resolving labor disputes do not fully reflect the effectiveness.

2. Comparison with international practice – Convention 158 of the International Labour Organization establishes the legality and fairness of termination of an employment contract as the main principle. The Convention states that only objective and justified reasons for termination of an employment contract are recognized as legitimate. In addition, before the dismissal of an employee, it provides for granting him the right to defend himself, taking into account the views of trade unions and ensuring fair procedures for resolving labor disputes.

For example, in European countries such as Germany and France, employer-initiated dismissal is carried out through strict procedures. In these countries, the consent of trade unions or the decision of special labor tribunals is required. This practice not only enhances the protection of employee rights, but also contributes to the fair resolution of labor disputes.

3. The role of the conciliation commission – one of the main mechanisms for resolving labor disputes in Kazakhstan is the conciliation commission. This body has the right to consider individual labor disputes between the parties in accordance with labor legislation. However, in cases of termination of an employment contract, the role of the conciliation commission remains limited.

In many cases, dismissed employees immediately go to court, since the decisions of the conciliation commission are not binding and are not always enforced by employers. In this case, it becomes necessary to transform the conciliation commission into a specific and effective body when considering disputes related to the termination of an employment contract.

4. Directions for improving the institution of termination of an employment contract – in order to improve the institution of termination of an employment contract, the labor legislation of the Republic of Kazakhstan can identify the following areas:

- ♦ Compliance with international standards – bringing the fundamentals of termination of an employment contract in line with the conventions of the International Labor Organization;

- ♦ Strengthening the employee's legal guarantees – giving the employee the right to defend himself in the dismissal procedure, with mandatory consideration of the opinion of the trade union or representative body;

- ♦ Raising the status of the conciliation commission – legislative consolidation of the binding force of its decisions, improvement of procedures for reaching agreement;

- ♦ Development of mediation and arbitration – creation of conditions for prompt and peaceful resolution of labor disputes;

- ♦ Expansion of social partnership – the active involvement of trade unions and employers' associations in the procedures for termination of an employment contract.

In the labor legislation of the Republic of Kazakhstan, the institution of termination of an employment contract currently needs to be fully improved. The current regulations are insufficient to



ensure the stability of labor relations, and the legal protection of employees does not meet the level of international standards. Of particular importance in this area is bringing the procedures for termination of an employment contract in line with international practice, strengthening the legal guarantees of employees, increasing the role of the conciliation commission and developing social partnership. Improving the institution of termination of an employment contract will not only strengthen the fairness of labor relations, but also increase the effectiveness of the labor law system in Kazakhstan and ensure social stability.

A notable challenge in labor law is that while disciplinary violations are recognized legally, the legislation does not always specify their exact characteristics, yet still permits sanctions to be applied based on these violations. Legal scholars and practitioners generally agree on several key criteria that define a disciplinary offense. First, the individual must be a legally capable employee who has entered into a formal employment relationship and meets the minimum legal age requirements. Second, the misconduct should involve a willful or negligent failure to fulfill professional responsibilities. Third, there must be a direct connection between the violation and the employee's official job duties. Lastly, the employee's actions or omissions must have caused actual or potential harm to the employer, with a demonstrable cause-and-effect link between the misconduct and the resulting damage [10].

Current labor legislation in Kazakhstan does not clearly specify exceptions to disciplinary liability in cases involving mitigating circumstances. Situations such as actions taken out of extreme necessity, minor violations that do not cause significant consequences, or failures resulting from inadequate working conditions provided by the employer are not explicitly addressed. However, these circumstances frequently occur in real workplace settings, leading to uncertainty for both employers and employees when interpreting and applying the law.

It is also important to note that an employee can be held disciplinarily liable even if their misconduct did not cause actual harm to the employer. The key factors are the existence of a labor discipline violation and the authority of the disciplinary body overseeing the employee [11]. Disciplinary liability serves not only as a means to punish misconduct but also as a tool to reinforce lawful behavior and foster accountability within the workplace. It acts both as a corrective measure and a preventive mechanism within the employment system.

For certain professional roles, the legal definition of a disciplinary offense is broader. Employees in positions of special responsibility – such as public servants, educators, or individuals in ethical or high-trust roles – may be held accountable not only for failing to fulfill their duties but also for behavior that conflicts with the dignity or standards expected of their position.

At the same time, labor law acknowledges that not every failure to perform duties amounts to a disciplinary violation. When non-performance results from factors beyond the employee's control – such as insufficient qualifications, health limitations, or lawful refusals (for example, disobeying unlawful orders or rejecting changes to working conditions without consent) – these actions are not considered breaches of labor discipline. In such cases, the employee is regarded as free from fault, and disciplinary action would be unjustified under the law.

Kazakhstan's Labor Code explicitly establishes adherence to labor discipline as a fundamental legal duty of employees. This statutory obligation serves as a guiding principle for proper workplace conduct, reflecting the expectations placed on employees regarding their broader responsibilities within the employment relationship. Labor discipline encompasses compliance not only with internal rules and procedures but also with the conscientious performance of assigned tasks, cooperation within team workflows, and adherence to schedules, standards, and time regulations set by the employer. Thus, discipline functions as a cohesive element that ensures the orderly and effective operation of the labor process.

In addition to the responsibilities of employees, employers hold distinct duties to uphold labor discipline within their organizations. These responsibilities are grounded in maintaining a balance of rights and obligations as defined by normative legal acts and regulations related to the organization and management of labor processes. Within this framework, a disciplinary offense in labor relations is understood as a culpable and unlawful violation of labor duties by an employee. Such offenses give rise to disciplinary liability, with penalties imposed in accordance with labor legislation. In line with the fundamental principles of labor legislation that aim to protect the dignity of employees, the imposition of a disciplinary penalty should consider not only the severity and circumstances of

the offense but also the employee's past behavior and overall attitude toward labor relations. It is recommended that an employee's previous conduct and work ethic be evaluated based on their labor performance throughout their period of employment with the organization. Additionally, it is crucial that, when applying disciplinary measures, attention is paid to the specific features of labor law, constitutional principles governing legal regulation, and relevant norms of international law.

Labor law establishes clear procedural requirements that must be met before disciplinary action can be lawfully enforced. One such requirement is that the employer must request a written explanation from the employee regarding the alleged misconduct. The employee is afforded three working days to provide their response. If the employee fails to submit an explanation within this timeframe, the employer is obligated to document this absence with an official statement or act. In practice, however, legal disputes often arise over whether failure by the employer to strictly observe the three-day rule could invalidate the disciplinary sanction [12]. The labor contract defines the internal scope of disciplinary liability, fundamentally clarifying which legal domain governs such liability. The conclusion of a labor contract is a prerequisite for any disciplinary responsibility within labor relations. Without such a contract, this form of liability, as regulated by labor law, does not apply. Establishing the effective framework of the contractual relationship is a key aspect of the agreement. At the time of contract conclusion, both parties should reach a clear preliminary understanding of these essential provisions.

In practice, it often occurs that an employee voluntarily terminates the labor contract on their own initiative. In such cases, the employee willingly assumes the associated responsibilities, and the law does not exclude this possibility. When the labor contract is terminated by mutual agreement of the parties, this is considered a conditional ground for disciplinary liability, as it grants the employer the discretion to accept or reject the termination based on the employee's decision. Some scholars argue that, given the specific grounds for imposing penalties and the varying levels of their application, it is incorrect to view labor disciplinary responsibility as conditional. This perspective prioritizes the derivative function of labor law and closely associates disciplinary responsibility with state coercion measures.

However, from our viewpoint, the statutory establishment of penalties stems from the social (protective) function of labor law, aimed at preventing the unjustified abuse of the employer's disciplinary powers. This approach facilitates the regulation of rights and obligations between the parties to labor relations on an equal footing and strengthens the legal protection mechanism for both employer and employee. Furthermore, when considering the basis of legal responsibility and liabilities arising outside of contractual obligations, parties to a civil law contract should recognize that if there is mutual disagreement regarding liability provisions at the time of contract conclusion – or if the contract states that the parties' responsibility is governed by current legislation – the nature of the parties' liability is not conditional.

## Conclusion

Summarizing the points discussed, it can be concluded that disciplinary liability in labor law arises exclusively within the framework of an employment contract. The termination of the labor contract ends the legal relationship between the parties, thereby preventing any further negative consequences related to disciplinary or material penalties. Liability under Kazakhstan's labor law is generally conditional, as the provisions on liability are embedded within the terms of the labor contract. Liability that arises outside the contract occurs only in exceptional cases, such as when labor relations are established without a formal employment contract in accordance with legal provisions. We align with the perspective of S.B. Idrisova, who asserts that the comprehensive set of provisions within the labor contract – including those concerning liability – functions as a systemic and flexible tool for the effective legal regulation of labor relations [13]. This approach helps to clearly distinguish labor legal responsibility from criminal liability, thus maintaining the distinct nature of labor law.

Article 65 of Kazakhstan's Labor Code grants employers the legal authority to impose disciplinary measures without awaiting a written explanation from the employee, provided the misconduct is both serious and clearly evident. This provision establishes a legal framework whereby termination of employment based on fault is treated as a disciplinary procedure carried out in accordance with statutory requirements. However, this procedural approach raises concerns about its consistency with

broader principles of legal responsibility. Specifically, the obligation to prepare an official act when an employee fails to submit an explanation within the prescribed timeframe – even when the violation is obvious – can create unnecessary bureaucratic hurdles. Such rigidity may impede the prompt and effective enforcement of disciplinary actions, potentially causing procedural complications rather than addressing the underlying misconduct.

According to paragraph 1 of Article 52 of the Labor Code, several subparagraphs (notably 8 through 18, with some exceptions) delineate the legal grounds for terminating employment contracts due to disciplinary violations. These provisions differentiate between general grounds applicable across industries and specific grounds tailored to particular professions and sectors. For example, in the transport sector, violations of safety protocols may justify dismissal. In the education sector, failure to adequately fulfill teaching responsibilities can be grounds for termination. Employees with access to classified or sensitive information – such as those in government or security roles – face disciplinary consequences for breaches of confidentiality. Similarly, individuals in managerial or executive positions, including directors and branch heads, are held to higher standards of accountability. This differentiation highlights the importance of contextualizing disciplinary liability according to the nature of the employee's role and the specific legal and operational environment of their sector.

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## ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ ЕҢБЕК ЗАҢНАМАСЫНДА ЕҢБЕК ТӘРТІБІН САҚТАУ ЖӘНЕ ТӘРТІПТІК ЖАУАПКЕРШІЛІК ТЕТІКТЕРІ

### Аңдатпа

Мақалада Қазақстан Республикасының еңбек заңнамасындағы еңбек тәртібі және тәртіптік жауапкершілікке қатысты құқықтық нормалар теориялық және тәжірибелік тұрғыдан жан-жақты сараланады. Зерттеудің мақсаты – еңбек тәртібі мен тәртіптік жауапкершілік институттарының мазмұны мен құқықтық

табиғатын ашу, олардың құқық қолдану практикасына ықпалын бағалау, сондай-ақ еңбек құқықтарын реттеудегі құқықтық олқылықтар мен нормативтік қайшылықтарды анықтау болып табылады. Авторлар Қазақстан Республикасының Еңбек кодексінің тиісті нормаларына терең құқықтық талдау жүргізу арқылы олардың құқықтық техникасын, тиімділігін және құқықтық айқындығын бағалайды. Сонымен қатар, еңбек тәртібін бұзу және тәртіптік жаза қолдану рәсімдеріндегі артық формалдылықтар мен құқықтық кемшіліктерге назар аударылады. Зерттеу нәтижелері ұлттық еңбек заңнамасын халықаралық еңбек құқықтарының жалпыға танылған стандарттарымен үйлестірудің маңыздылығын айқындай отырып, құқық қолдану тәжірибесін жүйелеу және жетілдіру қажеттігін негіздейді. Зерттеудің практикалық маңыздылығы – еңбек қатынастарын құқықтық реттеу тетіктерінің тиімділігін арттыру арқылы еңбек қатысушыларының құқықтары мен заңды мүдделерін қорғау деңгейін көтеру қажеттігін дәлелдеумен айқындалады.

**Тірек сөздер:** еңбек құқығы, еңбек тәртібі, еңбек қатынастары, еңбек заңнамасы, жұмыскер, жұмыс беруші, тәртіптік жауапкершілік.

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## **МЕХАНИЗМЫ СОБЛЮДЕНИЯ ТРУДОВОЙ ДИСЦИПЛИНЫ И ДИСЦИПЛИНАРНОЙ ОТВЕТСТВЕННОСТИ В ТРУДОВОМ ЗАКОНОДАТЕЛЬСТВЕ РЕСПУБЛИКИ КАЗАХСТАН**

### **Аннотация**

В статье подробно анализируются правовые нормы трудового законодательства Республики Казахстан, касающиеся трудовой дисциплины и дисциплинарной ответственности как с теоретической, так и с практической точки зрения. Целью исследования является раскрытие содержания и правовой природы институтов трудовой дисциплины и дисциплинарной ответственности, оценка их влияния на правоприменительную практику, а также выявление правовых пробелов и нормативных противоречий в регулировании трудовых прав. Авторы оценивают их правовую технику, эффективность и правовую прозрачность путем проведения глубокого правового анализа соответствующих норм Трудового кодекса Республики Казахстан. Кроме того, обращают внимание на излишние формальности и правовые недостатки в процедурах нарушения трудовой дисциплины и наложения дисциплинарных взысканий. Результаты исследования обосновывают необходимость систематизации и совершенствования правоприменительной практики, определяя важность гармонизации национального трудового законодательства с общепризнанными стандартами международного трудового права. Практическая значимость исследования определяется доказательством необходимости повышения уровня защиты прав и законных интересов участников труда путем повышения эффективности механизмов правового регулирования трудовых отношений.

**Ключевые слова:** трудовое право, трудовая дисциплина, трудовые отношения, трудовое законодательство, работник, работодатель, дисциплинарная ответственность.

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