



Asesorías y Tutorías para la Investigación Científica en la Educación Puig-Salabarría S.C.
José María Pino Suárez 400-2 esq a Lerdo de Tejada, Toluca, Estado de México. 7223898473

RFC: ATI120618V12

Revista Dilemas Contemporáneos: Educación, Política y Valores.

<http://www.dilemascontemporaneoseducacionpoliticayvalores.com/>

Año: VII Número: Edición Especial Artículo no.:104 Período: Noviembre, 2019.

TÍTULO: Sistema Interamericano de Derechos Humanos.

AUTORES:

1. Cand. Ph.D. Indira Saktaganova.
2. Cand. Ph.D. Ormanova Sholpan.
3. Cand. Ph.D. Kapsalyamova Saule.
4. Cand. Ph.D. Mayra Zhumanova.
5. Cand. Ph.D. Dinara Osmanova.
6. Cand. Ph.D. Elnara Ashimova.

RESUMEN: Este artículo explora los problemas apremiantes del sistema interamericano para la protección de los derechos humanos. El objetivo de la investigación es un análisis jurídico internacional complejo del sistema interamericano para la protección de los derechos humanos, así como un análisis exhaustivo de la Convención Americana sobre Derechos Humanos y otros documentos legales internacionales que constituyen la base jurídica de la cooperación de los estadounidenses en esta área. La Convención Americana sobre Derechos Humanos representa un logro significativo en el campo de la protección internacional de los derechos humanos, principalmente debido a los mecanismos procesales innovadores considerados en ella.

PALABRAS CLAVES: derechos humanos, sistema estadounidense para la protección de los derechos humanos, convenios, Comisión Interamericana, Corte Interamericana.

TITLE: Inter-American Human Rights system.

AUTHORS:

1. Cand. Ph.D. Indira Saktaganova.
2. Cand. Ph.D. Ormanova Sholpan.
3. Cand. Ph.D. Kapsalyamova Saule.
4. Cand. Ph.D. Mayra Zhumanova.
5. Cand. Ph.D. Dinara Osmanova.
6. Cand. Ph.D. Elnara Ashimova.

ABSTRACT: This article explores the pressing issues of the inter-American system for protecting human rights. The research goal is a complex international legal analysis of the inter-American system for protecting human rights, as well as a comprehensive analysis of the American Convention on Human Rights and other international legal documents constituting the legal basis of the cooperation of the American states in this area. The American Convention on Human Rights represents a significant achievement in the field of international protection of human rights, primarily due to the innovative procedural mechanisms considered in it.

KEY WORDS: law, human rights, American system for protecting human rights, conventions, Inter-American Commission, Inter-American Court.

INTRODUCCIÓN.

Relevance of the research.

The states of the American continent established a regional institution, the Organization of American States (OAS), which is represented by several structures for the protection of human rights. The Charter of the OAS concentrates the focus on several areas that contribute to the realization of human

rights, which are democracy, economic rights, the right to education, and equality. The Charter also forms two main institutions that are specifically directed to protect and promote human rights: Inter-American Commission on Human Rights and Inter-American Court of Human Rights. It protects rights through the establishment of effective norms and supports these standards through a petition procedure (Statehood Solidarity, 29 December 2003).

The inter-American system for the protection of human rights has two main legal sources: American Declaration of the Rights and Duties of Man, a normative act adopted by the OAS simultaneously with the Charter in 1948; and American Convention on Human Rights, adopted by the OAS in 1969, which entered into force in 1978 (American Declaration of the Rights, 2 May 1948).

In 1959, the OAS created the Inter-American Commission on Human Rights, but until 1970 it worked only on the basis of the resolution of the General Assembly of the OAS, which did not give the Commission any specific authority. In 1970, changes were introduced into the OAS charter, which changed the Inter-American Commission into one of the main bodies of the OAS (American Convention on Human Rights, 22 November 1969).

The Inter-American Commission and the Inter-American Court of Human Rights are established by the authorities responsible to act according to the American Convention. The main functions of the Commission are to promote respect for human rights and to protect them. During the time of operation, the Inter-American Commission on Human Rights has carried out a significant work on some dangerous situations. In consequence, the Commission take several decisions, however, it faced problems in implementing them. In the case of a large number of complaints accusing a particular state in a serious and widespread violation of human rights, the Commission initiates a study of the country and prepares a report. The first reports prepared by the Commission in 1960 were reports on Cuba, Haiti and the Dominican Republic. The governments of Cuba and Haiti banned the

Commission from entering their countries, but the Dominican Republic granted access (Human Rights: 2002). So, this country was the subject of the first on-site investigation by the Commission.

DEVELOPMENT.

The goals and objectives of the study.

The research goal is a complex international legal analysis of the inter-American system for protecting human rights, as well as a comprehensive analysis of the American Convention on Human Rights and other international legal documents constituting the legal basis of the cooperation of the American states in this area. To achieve the above-mentioned goal, the researcher carries out the following specific tasks:

- To study the emergence and formation process of the inter-American system for protecting human rights.
- To explore the legal framework of the inter-American cooperation in the field of human rights.
- To show the role and significance of American Declaration of the Rights and Duties of Man of 1946 and the American Convention on Human Rights of 1969.
- To show the influence of the UN Charter, the Universal Declaration on Human Rights of 1948, the International Covenants on Human Rights of 1966 and the universal system of interstate cooperation in the field of human rights on the emergence and formation of the regional inter-American system of protecting human rights, and development of its fundamental documents (for instance, American Declaration of Human Rights and Duties, American Convention on Human Rights, etc.).
- To conduct a comparative legal analysis of the inter-American and European systems for protecting human rights.
- To explore the main activities of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

Literature review.

There is a small amount of scientific and practical work on the Inter-American Court of Human Rights, mainly in Spanish, published in a limited edition and available only in Latin America. In the Western literature, there are several monographs and a significant number of articles in periodicals devoted to the analysis of cases examined by the Inter-American Court; however, none of them in theory (Statehood Solidarity, 29 December 2003).

In Kazakhstani science, there is no studies concerning the Inter-American Court; exists only few works on the inter-American system for protecting human rights, which only indicate the existence of the Inter-American Court. This situation is unfair, since studying the experience of this judicial institution could be useful in many ways, including for the work of the European Court. In particular, the Inter-American Court made a significant contribution to the doctrine of international protection of human rights, as well as to the general theory of international law; during the exercise of advisory jurisdiction it focuses solely on theoretical issues, since it is not required to consider the factual circumstances of the case when exercising this type of jurisdiction.

The inter-American system of human rights protection has been the research interest of the following foreign authors such as Thomas Buergenthal, C. Trinidad, D. Shelton, D. Abranches, J. Cabranes, T. Farre, K. Grossman, G. de Arechaga, A. Robertson, K. Sepulveda, K. Vasak, Gros Espiell and others. They have also deeply examined the activities of the Inter-American Commission on Human Rights. However, since these studies were carried out mainly in the 80-90s, that is, at a time when the work of the Inter-American Court was not so active; the latter did not receive due attention in research (Kartashkin, 1995).

In the domestic literature on the inter-American system of human rights protection exists the monograph of A.C. Kovalskaya "Inter-American System for the Promotion and Protection of Human Rights", collection "Inter-American System for the Promotion and Protection of Human Rights"

edited by V.M. Chkhikvadze, thesis of Z.V. Leshkasheli “Inter-American System of Cooperation in the Field of Human Rights”, as well as an article by A. Kh. Abashidze "the Inter-American System for the Protection of Human Rights and the Problem of Protecting the Rights of Indigenous Peoples". In the late 80s, several articles appeared simultaneously regarding the first decisions of the Inter-American Court on cases about disappearances and missing people; one of them was Velazquez Rodriguez case.

In 1982, the advisory jurisdiction of the Inter-American Court was extensively studied from the theoretical perspective by T. Burgenthal; his work was continued further by the studies of J. Pasqualucci in 1999 who used in his work the later advisory opinions made by the Inter-American Court (Amandykova, Khairmukhanmetov, Osmanova and Myrzataev, 2019). Procedural issues of the work of the Inter-American Court considered in the publications of Gros Espiel and G. Fix-Zamudio, who at different times were judges of the Inter-American Court. The formation history of the Inter-American Court is considered in the works of A. Robertson, as well as R. bal de Roth. The participation of “amicus curiae” in the work of the Court is examined in the journal publications of D. Shelton and A. Mohamed. Finally, the issues of compensation were studied by P. Pirrone and B. F. Anon. There are a number of monographs relating to the activities of the Inter-American Court written in Spanish and one in English by Scott Davidson.

In the early works of D. Shelton and A. Robertson were carried out a comparative analysis of some provisions of the European and American Convention, which al well concerned some aspects of the work of the Inter-American and European Courts. The works of N. Krisch and P. Nascou-Perraki compared some aspects of the functioning of the Inter-American and African Courts. The work aspects of all three regional courts were separately analysed in the dissertations of D. Patrina “International litigation: history, concept, functions” and M. Ovuora “The History of the Development of the African Charter on Human and Peoples' Rights of 1981”.

Object and subject of research.

The object of the research is the theoretical and practical issues associated with the organizational structure and functioning of the Inter-American Court for the Protection of Human Rights, as well as its role and influence in the modern world.

The subject of the research is the documents regulating the activities of the Inter-American Court of Human Rights, namely the American Convention and its Protocols, the American Declaration on the Rights and Duties of Man of 1948, the Charter of the OAS, the Statutes of the Inter-American Court, the Rules of Procedure of the Inter-American Court in the old and new versions, as well as other decisions and advisory opinions of the Inter-American Court, almost unknown in the international literature of the international Civil law (Kartashkin, 1995).

Theory and Methodology.

The theoretical basis of the research consists the studies of leading Russian and foreign legal scholars, working primarily in the field of international law. They are A.Kh. Abashidze, I.P. Blishchenko, A.Ya. Kapustina, V.A. Kartashkina, Yu.M. Kolosov, E.A. Lukasheva, I.I. Lukashuk, A.P. Movchan, G.S. Starodubtsev, B.N. Topornin, V.A. Tumanov, A.N. Talalaev, G.I. Tunkin, L.N. Shestakov, E.A. Shibaeva, C. B. Chernichenko, V.M. Chkhikvadze, L.M. Entina, M.L. Entina, G.I. Tunkin; and the following are the Western scholars: D. de Abranchez, G. de Arechagi, J. Brownlee, T. Burgenthal, M. Vargas, K. Vasak, R. Goldman, K. Grossman, M. Janice and E. Bradley, L. Drucker, R. Clayton and Tomlinson, J. Cocotte, N. Crisch, M. Mutua, R. Norris, J. Pasqualucci, A. Robertson, P. Siegart, K. Trinidad, D. Harria, G. Fix-Zamudio, J. Frovein, K. Cerny, M. Qu. Cecilia, D. Shelton, G. Espiell. The paper uses the course of international law in seven volumes, edited by V.N. Kudryavtsev, V.C. Vereshchetin and G.I. Tunkin. In addition, the materials of the special course “Human Rights and International Law” was used by L. N. Shestakov.

Regarding methodology.

The study was carried out on the basis of general scientific methods such as logical, sociological, systemic, functional, historical and statistical; and methods belonging to the science of international law. The researcher especially widely uses the general logical methods namely analogy, modelling, comparison and abstraction. In studying the issues of jurisdiction, the legal nature and specifics of the decisions of the Inter-American Court of Human Rights were applied the private scientific methods such as comparative law, interpretation, technical and legal analysis.

The normative framework of the study.

The following international acts determine the normative basis of the research: the UN Charter of 1945, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, the OAS Charter of 1948, The American Declaration on the Rights and Duties of Man of 1948, the American Convention on Human Rights of 1969 and its Protocols, The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1959 and 14 Protocols to it; the African Charter on Human and Peoples' Rights of 1981, the Protocol to the African Charter on establishing the African Court of 1998, the decisions of the Inter-American and European Courts of Human Rights, the advisory opinions of the Inter-American Court of Human Rights, which have a significant contribution to the development of the theory of international law (Sepulveda, Van Banning and Van Genugten, 2004).

The research contribution.

The scientific novelty of the study is established, first of all, by the fact that for the first time an attempt is made to internationally analyse the inter-American system of cooperation in the field of human rights. In this paper, the problems of the organization and functioning of the inter-American system for protecting human rights are studied by the author in a comprehensive manner. In this case,

the main trends in the development of the inter-American system of cooperation in the field of human rights are established, the procedural mechanism of its functioning is investigated. The nature of scientific novelty is inherent in a number of problems and questions raised and developed here (Sepuldeva, Van Banning and Van Genugten, 2004: 157). They included:

- Consideration of the political and legal prerequisites for the emergence of an inter-American system for protecting human rights.
- International legal analysis of the provisions of the Charter of the Organization of American States relating to human rights, the American Declaration on the Rights and Obligations of Man and the American Convention on Human Rights, as well as a number of inter-American conventions and additional protocols regulating specific relations arising in the process of cooperation of American states in the field of human rights.
- A comparative legal analysis of the inter-American and European systems of cooperation in the field of human rights, as well as the regulatory material that establishes the functioning of these systems.
- Study of the legal framework and practice of the bodies of the inter-American system for protecting human rights.

Key findings of the study.

There are the following key findings:

1) The Inter-American Court is one of the regional human rights courts, along with the European and African Human Rights Courts. The organizational structure and functioning of the three regional courts are largely similar, but there are also differences concerning the composition, organization of the judiciary, procedure for making and executing decisions. The largest regional judicial institution for the protection of human rights is undoubtedly the European Court of Human Rights [9].

2) The Inter-American Court is determined not only by the institution of the American Convention on Human Rights, but also by the Organisation of American States, which is open for participation to all states that are not parties to the American Convention. The Inter-American Court of Justice is an independent international judicial body working under the American Convention on Human Rights, whose work is closely linked to the regional organization that created it - the Organization of American States.

3) The Inter-American Court and the Inter-American Commission are independent from each other control bodies of the inter-American system, while at the same time, only the Inter-American Court exercises jurisdictional functions. The Inter-American Court has the right to make its own decision on the conclusions of the Commission, adopted by it not only regarding legal issues, but also specifically on the actual circumstances of the case.

4) At the moment, there are no clear criteria for referring cases to the Court by the Inter-American Commission; this procedure is discretionary; it is necessary to establish clear criteria for this in the future. The author of this work suggests defining the following criteria for referring a case to a court: a complaint must meet all the admissibility criteria for the Court to consider; the complaint should relate to legal issues.

Theoretical and practical significance of the research.

The theoretical significance of the work is determined by the fact that a number of its regulations allow one to correctly see ways to improve the inter-American system of law, deepen the use of the regulations of the inter-American system of law in the reform of existing legislation in the field of protecting the rights of citizens. Determined individual principles and methods of protecting the rights of citizens created on the inter-American system of law.

The practical significance of the research is identified by the fact that the conclusions and proposals made during the study, adopted on the basis of the comprehensive international legal analysis, allow us to apply the positive experience of countries in developing the legal framework, establishing procedures and mechanisms of cooperation of member countries of the Commonwealth of Independent States in a similar field (Using Inter-American Acts and, 2016).

The results of the study can be applied by the delegations of the Republic of Kazakhstan at international conferences and meetings related to human rights, in order to further consolidate the principle of respect for human rights and increase its specific normative content. The materials and conclusions of this study can be applied in practical activities of the Ministry of Foreign Affairs of the Republic of Kazakhstan, in particular, in the Department of the Commonwealth of Independent States, in the commissions of the Senate of the Parliament, in the research and educational work of the Diplomatic Academy of the Ministry of Foreign Affairs of the Republic of Kazakhstan, in higher educational institutions such as Al-Farabi Kazakh National University and L. N. Gumilyov Eurasian National University (Osmanova and Kerimkulova, 2013).

The development of the inter-American system of cooperation in the field of human rights went in close and inextricable connection with the development of universally recognized principles of international law, first of all, accepted respect for human rights (Osmanova and Kerimkulova, 2013). In the end, American states were unanimous in that the principle of respect for human rights should be perceived in the context of other fundamental principles of international law, such as the sovereign equality of states, non-use of force, non-interference in internal affairs, etc. Along with this, there was a tendency to contrast one principle with another. Of great importance in Latin America was the question of the correct understanding and interpretation of the relationship between the principle of respect for human rights and the principle of non-interference in internal affairs.

The American Convention on Human Rights represents a significant achievement in the field of international protection of human rights, primarily due to the innovative procedural mechanisms considered in it.

At the present stage of development, when the main task is to increase the effectiveness of international cooperation in the field of human rights, it is international procedures, according to S.V. Chernichenko, "begin to play a paramount role" (Osmanova and Kerimkulova, 2013: 459).

An important merit of the authors of the American Convention is that they decided to break the traditional system established by the European Convention, according to which the right of individuals to petition was optional, and the consideration of reports submitted by states was mandatory. The emphasis on the system of individual complaints envisaged by the American Convention has paid off both from a legal and political point of view.

Initially, the establishment of an inter-American system of human rights protection was a close organic relationship between the protection of human rights and the struggle to establish representative democracies. This setting, enclosed in many inter-American documents, including the OAS Charter, was one of the characteristic features of the inter-American system. It means that the development and strengthening of representative democracy is seen as an inalienable and essential condition for the observance of human rights.

For Kazakhstan and the CIS, the issues studied in this paper are important due to the fact that, while developing new approaches to international cooperation in the field of human rights, improving democracy in our countries, we should take more fully into account the progressive achievements of foreign theory and practice in this field.

The experience gained by the inter-American system could be especially useful in developing new approaches in Kazakhstan to international control and inspections in the field of human rights. Besides, using the achievements of the OAS in promoting human rights, the principles of democracy

and the rule of law, it would be possible to more actively influence the processes of the formation of the rule of law in our country and raise relations to a higher level within the framework of the Commonwealth of Independent States.

CONCLUSIONS.

The conclusions of the research come to the followings:

1. The Inter-American system became the first inter-regional system created within the framework of the post-war world order. In the first half of the century, a political tradition of inter-American interaction was formed, realized in the formation of a single political and legal space. This process was objective in nature, as it was due to both the growing interdependence of "two Americas" and the imperatives of creating a unified security system in anticipation of the Second World War. This system was formed on the inertial wave of balancing the asymmetry of economic and political power between the United States and leading Latin American states as a result of the great depression of 1929-1932, and a significant strengthening of the continental solidarity during the Second World War.

The democratization process that unfolded in the Latin American region in the mid 40s also played a large role. Contrary to the widespread interpretation of the genesis of the system in Western political science, it was not the United States that initially imposed a special system of relations on the states of the Western Hemisphere, but rather it was the Latin American countries who initiated its creation (Protocol No. 1 to the European Convention, 20 March, 1952).

In the first post-war years, the centre became more clearly defined in the inter-American space, while the United States became much stronger as well during the Second World War. So, the creation of the system was aimed at levelling the growing asymmetry of power and influence and providing conditions for "collective pressure" on the centre of the system. However, there was another important

factor, the desire of the Latin American countries to build up their own potential in world politics through the creation of a system of special relations with a superpower.

2. The inter-American system in the form in which it was created at the end of the 40s assumed a unique political and legal construction that did not have analogues in world practice. A project was developed for a multi-tiered international organization that regulates almost all aspects of the international activities of American states. The system had great democratic potential; for example, in the OAS, there was no veto right, and decisions were made by 2/3 of the vote. However, the democratic potential inherent in the system was almost unrealized for almost four decades, and the system itself in the first years of its existence was severely deformed. Firstly, the dependence of Latin American states on the USA, which has reached gigantic proportions, has led to the fact that the system of relations has been built on the rigidly vertical principle of "centre - periphery" (Barsukova, Osmanova, and Buleuliev, 2015). Secondly, through the efforts of the centre, the United States, the system was integrated from the very beginning into the "East-West" global force field. The protective functions of the inter-American system turned out to be so hypertrophied that maintaining the political discipline of its factors actually turned into an end in itself.

3. Such systems, based on the hegemony of the centre and high political discipline, as shown by inter-American experience, lack internal consent. Maintaining the system in a stable state and neutralizing centrifugal tendencies is ensured along with force pressure by the provision of the centre with special preferential political and economic status to the peripheral member states. To strengthen the system, its centre, the United States, had to fulfil the functions of the "donor", using such mechanisms as development assistance, trade preferences, etc. Washington until the beginning of the 60s was not able to play this role.

4. An important determinant of any international system is its security regime. A review of the inter-American experience shows that in asymmetric spaces with a clearly defined centre and periphery, the collective security regime is stable only if there is a clearly expressed common external threat (Barsukova, Osmanova, and Buleuliev, 2015).

BIBLIOGRAPHIC REFERENCES.

1. Amandykova, Saule, Khairmukhanmedov, Nurbek, Osmanova, Dinara and Myrzataev, Nurmuhamed. (2019) Legal issues for the regulation of higher schools' transformation in the Republic of Kazakhstan. *Revista Dilemas Contemporáneos: Educación, Política y Valores*. Año: VI, Número: Edición Especial, Artículo no.:25, Período: Agosto, 2019.
https://dilemascontemporaneoseduccionpoliticayvalores.com/_files/200005590-4e5174f4ba/EE%2019.08.25%20Cuestiones%20legales%20para%20la%20regulaci%C3%B3n%20de%20la%20transformaci%C3%B3n%20de...pdf
2. American Convention on Human Rights, adopted 22 November 1969. Article 23, paragraph 1. Organisation of American States. Available from:
<https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>
3. American Declaration of the Rights and Duties of Man, adopted 2 May 1948. Article XX. Available from: <http://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm>
4. Barsukova, R., Osmanova, D. and Buleuliev, B. (2015) Analysis of Institution of Punishment on Criminal Law of the Republic of Kazakhstan and foreign countries. *Social Sciences*,10(7): 2066-2070.
5. Human Rights: A Compilation of International Instruments. (2002) Volume I (First Part) Universal Instruments. United Nations Publication. Available from:
<https://www.ohchr.org/Documents/Publications/CompilationIen.pdf>

6. Kartashkin, V. (1995) Human rights in free and domestic law. *State and Law*, 2(4): 195-199.
Available from CiverLeninka: <https://cyberleninka.ru/article/n/97-02-047-kartashkin-v-a-prava-cheloveka-v-mezhdunarodnom-i-vnutrigosudarstvennom-prave-m-1995-135s>
7. Osmanova, D. and Kerimkulov, A. (2013). The issues of corruption offences in economic activity. *Actual Problems of Economics*, 150(12): 457-461.
8. Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Adopted March 20, 1952. Available from: <http://base.garant.ru/2540801/#friends>
9. Royer, Aline. (2010) *The Council of Europe*. Publishing House of the Council of Europe.
10. Rules of procedure of the Inter-American commission on human rights. Approved at 137th regular sessions held from October 28 to November 13, 2009. Available from: <https://www.oas.org/en/iachr/mandate/Basics/RulesIACHR2013.pdf>
11. Rules of procedure of the Inter-American Commission on human rights. Approved at 137th regular sessions held from October 28 to November 13, 2009. Available from the OAS: <https://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp>
12. Sepuldeva, M., Van Banning, Th. and van Genugten, W.J.M. (2004) *Human Rights Reference Handbook*. University for Peace.
13. *Statehood Solidarity Committee v United States*. (December 29, 2003) Case 11.204, Report No. 98/03. Available from Human Rights Library, University of Minnesota: <http://hrlibrary.umn.edu/cases/98-03.html>
14. Using Inter-American Acts and Positions of the Inter-American Court of Human Rights in the Practice of the European Court of Human Rights. (2016) Research Report. European Court of Human Rights.

DATA OF THE AUTHORS.

1. **Indira Saktaganova.** Candidate of Juridical Sciences, Associate Professor. Department of the Theory and History of State and Law, Constitutional Law L.N.Gumilyov Eurasian National University.
2. **Ormanova Sholpan.** Candidate of Juridical Sciences, Associate Professor. Department of the Theory and History of State and Law, Constitutional Law L.N.Gumilyov Eurasian National University.
3. **Kapsalyamova Saule.** Candidate of Juridical Sciences, Associate Professor. Department of the Theory and History of State and Law, Constitutional Law L.N.Gumilyov Eurasian National University.
4. **Mayra Zhumanova.** Candidate of Juridical Sciences, Associate Professor. Department of the Theory and History of State and Law, Constitutional Law L.N.Gumilyov Eurasian National University.
5. **Dinara Osmanova.** Candidate of Juridical Sciences, Associate Professor. Department of the Theory and History of State and Law, Constitutional Law L.N.Gumilyov Eurasian National University.
6. **Elnara Ashimova.** Candidate of Juridical Sciences, Associate Professor, Department of the Theory and History of State and Law, Constitutional Law L.N. Gumilyov Eurasian National University.

RECIBIDO: 13 de octubre del 2019.

APROBADO: 25 de octubre del 2019.