

MODERNIZATION OF THE SYSTEM OF SELECTION AND TRAINING OF CANDIDATES FOR JUDGES IN THE REPUBLIC OF KAZAKHSTAN IN THE LIGHT OF ADVANCED INTERNATIONAL EXPERIENCE

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Abstract: The purpose of the article is to study global standards, recommendations developed by the international community, the experience of advanced foreign countries in the selection and training of candidates for judges, and to justify recommendations for its use in the Republic of Kazakhstan. The article examines various models of national systems for the preparation of judicial candidates. The authors concluded that there is no single standard in the training of judges, each country has its own approach, depending on the characteristics of the legal system, historical traditions. Nevertheless, the standards developed by the international community are the benchmark of proven approaches to improving the quality of judicial personnel. The current model of training judges in the Republic of Kazakhstan does not fully meet the requirements of the time and the ambitious strategic goals set by the country. Unlike the standards enshrined in the international act and the laws of foreign countries in which there is a comprehensive system of preliminary training of candidates for judges, in Kazakhstan, in fact, there is no systematic training of candidates for judges. The institution of the candidate for the judge is not formalized. Existing forms of education do not allow fully and systematically to fully prepare candidates for judges for their professional activities. This is largely due to the poor quality of administration of justice, judicial errors, low level of public and business confidence in the judicial system. The directions for improving the Kazakhstani system of selection and training of candidates for judges were justified, taking into account international best practices: introducing the institution of candidates for the office of judge, establishing a constitutional requirement for mandatory preliminary training for all candidates for judges in a specialized educational institution - the Academy of Justice at the Supreme Court of the Republic of Kazakhstan, with the payment of proper salaries to the trainees. Such training should be carried out at the very last stage of the selection of candidates for judges. It is necessary to improve the principle of "judges teach judges" by involving experienced judges in their teaching, with their separation from their main work.

Keywords: judicial education, court, justice, Academy of Justice at the Supreme Court of the Republic of Kazakhstan, candidate for the position of judge, judicial community, professional development of court, retraining of judges, mentoring, mentoring, mentorship.

1 Introduction

In the Republic of Kazakhstan, the process of deep transformation of the state legal system, aimed at the implementation of the principles of the rule of law state, continues to the present day with independence. For the first decades of independence, legislation has been completely updated. However, the adoption of any, even the most perfect law is not yet a guarantee of respect for the rights and legitimate interests of citizens. A no less sophisticated mechanism is needed to implement the law, the paramount importance of which belongs to the judiciary, which is entrusted with the mission of protecting human rights and freedoms by resolving legal conflicts. The fact that the court has the exclusive right to make court decisions on behalf of the state testifies to the high role of the court in a legal state. In this regard, the key documents for creating a favorable business environment, improving the investment climate, industrial and innovative development, and achieving other strategic goals of the Republic of Kazakhstan consider the independence, impartiality, and professionalism of judges in the strategic documents of the Republic of Kazakhstan.

The implementation of this high mission of justice, the level of public confidence in the court, the authority of the judiciary depends on the authority of each judge, and therefore is inextricably linked with the personality of the judge, requires him to meet the most stringent requirements, both in the professional and personal moral plan.

In this regard, issues related to the criteria for the selection and training of judges occupy an important place in the policies of any state. On the basis of what principles, the system of selection of judicial personnel is organized, what requirements are placed on candidates for judges, who checks candidates for compliance with established criteria, etc., what order of selection, exams, etc. depends on if judge's independence is fully provided or not.

Today in the Republic of Kazakhstan there is a search and development of its own model of the system of selection and training of personnel of the judicial system, which would satisfy the needs of society, consider both national peculiarities and advanced foreign experience.

These factors put on the agenda the need for a thorough study of advanced international experience in the training of judicial system staff in order to develop sound recommendations for creating a Kazakhstani model of selection and training of judges. As a well-known French jurist Mark Ansel rightly noted, the study of foreign law "opens up new horizons for a lawyer, allows him to learn more about the right of his country, because the specific features of this right are especially clearly revealed in comparison with other systems. cannot be obtained even with a very good knowledge of only my own right." (1)

Foreign experience of training was considered by individual authors in the study of the problems of the legal status of a judge. So, T.N. Neshataeva, E.A. Kudelich, N.V. Pavlova, V.V. Starzhenetsky, V.L. Tolstykh study issues of the system of vocational training and advanced training of judges in foreign countries. (2) The work by V.V. Peysikov is devoted to the issues of legal and organizational aspects of the selection, training and advanced training of judges in various countries and in the Russian Federation. (3)

Topical issues of judicial reforms in foreign countries were considered by Professor John Owen Haley. (4) Judicial professors Robert G. Bone, (5) Toby S. Goldbach, (6) and Pakistani scholar Munir Ahmad Mughal (7) are dedicated to reforming judicial education.

At the same time, this problem has not yet been considered in the science of Kazakhstan and foreign countries from the perspective of studying international experience in selecting and training candidates for judges from the perspective of the possibility of its implementation in the Republic of Kazakhstan, which determines the novelty of the present study.

2 Materials and Methods

2.1 Global Standards for the Selection of Candidates and the Training of Judges

The world community has developed universal standards for the basic requirements for the selection and training of judges. So, Art. 10 Basic principles of the independence of the courts and the judiciary from 1985 states that "persons selected for judicial positions must have high moral qualities and abilities, as well as appropriate training and qualifications in the field of law..." (8)

In the Universal Charter of Judges 1999. It is indicated that the selection of candidates for the position of judge is carried out according to objective criteria, which are based on the corresponding professional qualification. The selection is carried out by an independent body, which includes the functions of real judicial representation. (9)

The most detailed procedural rules governing the selection and training of candidates for the position of the judge are set forth in Recommendation No. R (94) 12 of the Committee of Ministers to member states regarding independence, effectiveness and the

role of judges of 1994. The mandatory selection criterion according to Rule III - Proper working conditions - is the practical training of candidates in the courts prior to their appointment to the post of the judge under the guidance of experienced and reputable managers. The recommendations state that the criteria for the selection of judges must be objective and consist in having the appropriate qualifications and untainted reputation; the free character of the training with study visits to European and other foreign courts is indicated.

In the Opinion No. 4 of the Consultative Council of European Judges (hereinafter referred to as the CCJE) it states that the state is obliged to ensure that a judicial or other independent body is responsible for organizing and supervising the training of judges (paragraph 11); the independence of the body responsible for curriculum development should be maintained (paragraph 15). In paragraph 16, the CCJE is opposed to entrusting these responsibilities to the Ministry of Justice or any other body accountable to the legislature or the executive. (10)

The European Charter on the Status of Judges of July 8-10, 1998: one of the grounds for deciding on the appointment of a judge is considering "conditions that thanks to the fulfillment of the requirements for the necessary education and professional experience, provide competence for the implementation of specific judicial functions" (par. 2.2.); the requirement of the mandatory training of candidates for judges "by means of special training organized at the expense of the state" (par. 2.3.). Note that in Kazakhstan such a requirement is not specified. In this regard, the following should be noted. The many-year practice of appointing judges in the Republic of Kazakhstan on the basis of established criteria has shown their inefficiency, does not quite meet the needs of society in a capable judicial system.

Despite the fact that the provisions of these acts are advisory in nature, they nevertheless became a guideline for many states and were perceived by the civilized international community as a guide to action when improving national legislation.

2.2 Systems of Selection and Training of Candidates for Judges in Foreign Countries. France

According to the French Constitution, the judiciary is the custodian of personal freedom, and the President of the Republic, with the assistance of the High Council of Magistracy, guarantees the independence of the judiciary (Articles 64 and 65 of the Constitution of October 4, 1958). These provisions are regulated in more detail by Decree No. 58-1270 of December 22, 1958, on the status of judges (with amendments and changes) and the relevant decrees on their application. (11)

In France, judges along with prosecutors are called magistrates. The President appoints magistrates is made by decree of the President of the Republic, but with regard to judicial posts, such decrees must be adopted on the basis of a confirmatory opinion or on the proposal (for the highest positions) of the High Council of Magistracy. The Superior Council of Magistracy is the main body for the selection of candidates for the position of judge. (12)

Among several methods of selection and appointment of judges, the main is the entrance contest to the National School of Magistracy (L'Ecole nationale de la magistrature (hereinafter – ENM)) in Bordeaux (more than 90% of the current judges are graduates of the School). Art. 14 of the Decree of December 22, 1958, on the status of judges. The school is granted the monopoly right to train judicial auditors ("trainee judges"). The school carries out educational activities in two directions: vocational training prior to assuming office and advanced training for practicing judges and prosecutors. The pedagogical mission of the school is divided between two main departments: The Department for Selection and Initial Training, which is located in Bordeaux, and the Department for Advanced Training and Professional Training, and International Relations, based in Paris.

Students before vocational training are trained for 32 months (almost three years), of which 1/3 of study time is devoted to classes at the School and 2/3 to internships at various institutions (court, bar, etc.). Upon graduation, final exams are held. listeners are paid a salary of 75-80% of the salary of the first instance judge. In the third year of study, a student takes tests and a classification exam, on the basis of which he is given a list of proposed posts. After choosing a specialization (juvenile judge, investigating judge, judge for civil or criminal cases, etc.), students are divided into groups and pass a monthly theoretical part within the walls of the National School and 5 months in court for the chosen specialization. (13-14)

2.3 Spain

The selection and training of judges in Spain are carried out in the Judicial School of the General Council of the Judicial Power (Escuela Judicial de Barcelona General del Poder Judicial) (Barcelona), which was established on the basis of Constitutional Law No. 16/1994 of November 8, 1994. The school carries out educational activities in two directions such as initial training of judges and prosecutors and advanced training for existing judges and prosecutors.

To enter it, you must pass a series of qualifying exams. The form and content of entrance examinations to the School of Justice are indicative. First, there is testing for screening from weak applicants, after which out of 4 thousand candidates a little more than one thousand people remain. After that, members of the General Council organize written and oral exams with the participation of examiners. The examination is carried out openly, anyone can be present in their process. After selecting the best applicants, students of the School of Justice receive the status of candidates for judges, close to the status of a judge. They receive a salary on their content, corresponding to 75% of the judge's salary. Training lasts 2 years and includes theoretical training of 9 months and 15 months of internship in various law enforcement agencies, the bar and in court.

For two years, students study the main branches of law and such additional disciplines as forensic medicine, economics, accounting, computer science basics, acquaintance with legal databases, legal language techniques; basic concepts of legal psychology; technique of managing groups of people, staff, management of a judicial institution; techniques of mediation and reconciliation in the judicial resolution of the conflict; legal sociology, stress tolerance, deontology. The practice in judicial institutions takes place in three stages such as an internship in the provincial courts and the prosecutor's office; in law offices; in the city courts. Training is conducted only by seconded acting judges and prosecutors with salary and employment retention, as well as professors, lawyers, legal practitioners, etc. At the end of the training, students do not take final examinations, and their rating is made up of the sum of admission points and points earned in the process. training and internships. According to this rating, the General Council of the Judiciary publishes a list of graduates with the distribution of their work in the courts of Spain, signed by the King of Spain. After that, students receive the status of judges. Further, the current judges undergo continuous training considering individual characteristics and specialization based on long-term individual plans. The latter is a feature of the Spanish model of education for current judges and was recently adopted in accordance with Constitutional Law No. 19/2003 of December 23, 2003, on Amendments to the Constitutional Law on the Judicial System No. 6/1985 (Ley Orgánica del Poder Judicial) of July 1, 1985.

The General Council of the Judiciary is to some extent similar to the Supreme Court of Justice of the Republic of Kazakhstan; however, the President of the Supreme Court of Spain also presides over this body. The General Council finances and implements the general management of the School of Justice, organizes entrance examinations that last up to 6 months since applicants for 60 places are more than 4 thousand people, approves all the plans and programs of study.

2.4 Germany

A peculiar system is developed in Germany. Here, preparation for the position of judge begins with studying at a university, where training lasts an average of four years. As a result, the first exam is taken, during which approximately a quarter of the candidates are eliminated. In fact, this is not an exam in the usual sense, but it consists of several parts. In case of successful passing the first state exam, a student is expected to have a 2-year Referendariat – practical training, where he is employed as a civil servant with a modest salary, and at the same time, he learns. Practical training is accompanied by courses that highlight the application of the law. The goal of such a preparatory service is to impart law enforcement skills. According to the results, the second state exam is taken, the results of which are given the title Assessor iuris (other names Assessor des Rechts, Rechtsassessor), they are often called “full lawyers” (Volljurist). They can work in any branch of German law. The grade for the state exam determines the “unwritten” rating specialist. For the post of judge, you must have a result “above average”. Approximately 15% of all students receive such an assessment. In fact, the period of study at the law faculty ranges from 6 to 8 years with passing 2 state exams, which are radically different from those taken, for example, we have exams. Although the age limit is not provided, by this time the average age of a candidate is 28 - 30 years. The appointment procedure varies depending on whether it is a question of federal courts or land courts and also depending on the level of the court. There are only a few vacancies per year, and you must first undergo special training. In general, the German system is focused on ensuring that judges have built their careers in court throughout their working lives since judges are appointed for life.

2.5 Portugal

In order to become a judge in Portugal, you must enroll and complete a basic training course at the Judicial Training Center (Centro de Estudos Judiciários, CEJ) in Lisbon. This Center was established in 1979 in the midst of reform under the auspices of the Ministry of State Supervision, but it also had organizational autonomy. The purpose of its creation is the formation of judges with a new legal conscience, as well as a technical one - training and professional development of magistrates, i.e. judges and prosecutors. The duration of study at CEJ is 2 years, of which 11 months are theoretical and practical training, during which audience study both legal disciplines (EU law, international law, administrative law, etc.) and near-law (psychology, sociology of law, English and etc.); 11 months is an internship in the courts, during which candidates prepare draft procedural documents, participate in the process and work of the courts in supporting roles. Training is conducted by acting judges (seconded from 1 to 3 years), retired judges, professors, lawyers, legal practitioners, etc.

After completing training at the Center, a person may participate in the competition for the appointment of judges and prosecutors. Candidates are assessed by a jury consisting of at least three members: one third of which consists of judges appointed by the High Council of Judges, another third from prosecutors appointed by the High Council of Prosecutors, and the rest of the jury are persons competent in matters of culture and rights and appointed by the Ministry of Justice. The chairman of the jury is appointed a director of the Judicial Training Center.

2.6 Great Britain

A general characteristic of the appointment system for judges in the UK is that there are no “career” judges. In contrast to countries that have an institutional system for selecting, training, and appointing judges only after receiving a classical legal education in the UK, judges are usually appointed from among those over 40 who devote the first part of their professional activities to work as lawyers or attorneys. It is also necessary to note another feature common to all levels of the judicial system: before becoming a full-time judge, an aspirant striving to

become a judge works as a part-time judge for a while. Judges of the appellate courts and district courts are appointed to their posts only after working for some time as judges of lower level courts, i.e., they move upward from level to level. The appointment of judges is led by the staff of the Judicial Group of the Department of Lord Chancellor. The appointment procedures are carried out by two divisions of this group: Judicial Division 1, which appoints judges of the High Court and above, district judges, recorders and their assistants; and Judicial Division 2, which appoints magistrates and registrars of the Supreme Court, district judges, magistrates and judges of the tribunal. (12)

Newly appointed recorders who have the jurisdiction of district judges must complete a one-week introductory course at the Council for the Training of Judges in Criminal Procedure. If the recorder is assigned to a county court and the Crown Court, he initially takes an introductory course in civil or family law. The Judicial Training Council organizes approximately 10–12 introductory courses per year and trains about 500 newly appointed judges. In addition to mastering the introductory course, the recorder also has to sit in court with an experienced judge for one or two weeks, get familiar with the work of the probation service and prisons. (15)

2.6 The USA

US Constitution 1787 (as amended) regulates the status of the court (the so-called judges of the third article of the Constitution). Judges of the third article of the Constitution are appointed for life (subject to the observance of correct behavior) and can be removed from office only through the impeachment procedure. Such cases are very rare.

Formally, there are no special educational or professional qualifications for judges, but traditionally candidates have a law degree. (16)

In matters of appointment of federal judges plays a big role policy. Candidate judges are nominated by the President, and then must be approved by a majority vote in the Senate. By tradition, the President consults with senators of specific states about candidates for filling vacancies in the federal courts of these states. The US Attorney General and staff members of the Presidential Administration also participate in the review process. The role of the judicial community in the formation of the judiciary is minimal.

Candidate judge is subject to scrutiny by the FBI. In addition, his professional experience and qualifications are studied by the American Bar Association, which gives its recommendations on the nominee to the President and Congress.

There are no special exams for candidates for judges in the United States. The main selection criterion for the appointment of any federal judge is work experience and academic achievement. A candidate judge must have extensive experience in the legal sphere. As a rule, practicing lawyers, prosecutors, or public defenders become judges. Lawyers have a college degree (usually four years of study), a law university degree (three years), and also pass a special exam to obtain a license for the right to practice law in a particular state. Most federal judges at the time of appointment have at least 15–20 years of legal practice.

A judge can start a judicial career from any level. Thus, a lawyer without any judicial experience may become a judge in the state court of the last instance or even in the US Supreme Court. (17) The United States does not have a system of targeted training for candidates for judges. Together with those here in 1967. The Federal Judicial Center, located in Washington, was established to conduct research and provide continuing education. Each newly appointed judge of the Federal Judicial Center sends a package of materials for self-study, the latest publications, as well as a catalog of published manuals, research, video and audio materials developed by the Center. For newly appointed district, district, justices of the peace, as well as judges examining bankruptcy cases, the Center organizes seminars. The

National College of Judges in Reno conducts weekly training courses that can be taken by newly appointed judges of state courts.

2.7 The Republic of Kazakhstan

In the Republic of Kazakhstan, the issue of formation of high-quality personnel of the courts, the selection and training of judges has always been given great importance, and a number of measures have been taken in this direction. One of the important measures is the establishment of the Supreme Judicial Council in order to ensure the constitutional powers of the President of the Republic of Kazakhstan on the formation of courts, guarantees of the independence of judges and their inviolability. Initially, this body was a consultative and advisory body under the President of the Republic of Kazakhstan. However, in the future, the activity of this body was constantly improved. (18)

The next most important measure was the creation in 2001 of a special institute for training the judicial system (hereinafter referred to as the institute) - the Institute for the Advanced Training of Judges and Employees of the Judicial System under the Supreme Court of the Republic of Kazakhstan. From this moment on, the formation of the institutional model of judicial education in independent Kazakhstan is going on. However, in the future, this institution underwent a number of transformations. So, in 2003, by the relevant Government Resolution, the Institute was changed to a state institution "Judicial Academy at the Supreme Court of the Republic of Kazakhstan". Later, by Decree of the President of the Republic of Kazakhstan dated May 31, 2005 No. 1583, this institute was transformed into the Institute of Justice in the structure of the Academy of Public Administration under the President of the Republic of Kazakhstan. However, by the Decree of the President of the Republic of Kazakhstan dated February 18, 2016, this institution was again transformed into the Republican State Institution "Academy of Justice under the Supreme Court of the Republic of Kazakhstan". This measure was taken in pursuance of the Plan of the Nation "100 concrete steps for the implementation of 5 institutional reforms", whereas part of the 18 steps, the Institute of Justice is directly separated from the Academy of Public Administration and transferred to the Supreme Court of the Republic of Kazakhstan. The main reason for the creation of the Academy of Justice is the strengthening of the relationship between training and judicial practice, as well as ensuring the training of current judges on a regular basis. In this organizational and legal form, this institution exists to this day. Despite the changes in the form, the content of the institution remained the same, as an institution specifically created for training the judicial system. However, the search for the most optimal form and content of training for the judicial system did not end there.

At the moment, in the Republic of Kazakhstan, on the initiative and under the leadership of the Chairman of the Supreme Court of the Republic of Kazakhstan, Zhakip Asanov, a large-scale project called "Seven stones of justice" is actively being implemented, representing the seven most relevant conceptual problems in the field of judicial power. By order of the Chairman of the Supreme Court of January 10, 2018, the portfolio of priority projects of the Supreme Court was approved, as well as the composition of the working groups on their implementation. The working groups are tasked to ensure the development of conceptual proposals for the further development of the judicial system. The objectives of further development are determined to increase confidence in justice and ensure the rule of law, through increasing justice, justice, responsibility and independence, high-quality court decisions and the competence of judges. Among these priority projects, the "Ideal Judge" was the first to be identified, the goal of which is to form a highly professional judiciary based on the use of international standards of independent justice that are adequate to the needs of modern Kazakhstan society.

On the whole, today a lot has been done in the republic for staffing the judicial system. Nevertheless, the results do not fully meet the expectations of modern society, the level of confidence

of the population, business, and investors in court is still rather low. The main reasons for this situation are seen in the imperfect mechanism of selection and promotion of judges, insufficiently effective processes and methods of training future judges, raising the skills of current judges.

At the present stage in Kazakhstan, the following procedure has been formed for appointing judges and training judicial personnel. Thus, in accordance with the current Constitutional Law of the Republic of Kazakhstan No. 132 of December 25, 2000 "On the Judicial System and the Status of Judges of the Republic of Kazakhstan", a person must meet the following educational and professional requirements such as to have a law degree and work experience in law specialty (at least five years of work experience as a court clerk, a consultant (assistant) of a court, a prosecutor, a lawyer, or at least ten years of work experience in the legal profession). In the presence of these and other statutory conditions, there are two possible options: 1) a person must pass a qualifying exam, undergo a one-year internship in court with a separation from the main place of work and receive a positive opinion from the plenary session of the court on the results of the internship; 2) a person can enter the magistracy at the Academy of Justice at the Supreme Court of the Republic of Kazakhstan and, after successfully completing the two-year graduate program, pass the qualification exam. In this case, the person is exempt from a one-year internship for four years from the date of graduation (Art. 29). Education in the magistracy lasts two years. The undergraduate scholarship is paid.

If the above conditions are met, a person may participate in the competition for the position of a judge, during whose passage he may be appointed for the position of judge for life. After being appointed as a judge for newly appointed judges, there are programs for mentoring and mentoring, which are aimed at supporting young judges and assisting in their adaptation to the profession, transferring experience to them from judges with experience (19-20).

Here you can highlight a number of problems. First, a small number of graduate students becomes judges. So, out of 53 persons who graduated from magistracy in 2017, only 7 people became judges, out of 62 persons who graduated from magistracy in 2018 only 13 became judges. This is due to the fact that there is no strict legal requirement that the person who completed the magistracy, must necessarily become a judge. As a result, the majority of candidates for judges have only a law degree and a certain work experience in the legal profession but do not receive any special training in skills and competencies necessary for the profession of the judge. Even the end of the magistracy cannot guarantee the good training of future judges. This is due to the fact that training in the magistracy is carried out according to the program of the specialty "Jurisprudence", i.e. This is a non-specialized training, not aimed at training just the judicial staff. The program standards have been approved by the Ministry of Education and Science of the Republic of Kazakhstan, from whose budget education in the magistracy is funded. Of course, the Academy attempts to adapt this program to the needs of the judicial system; the training is conducted by acting judges and other experienced legal practitioners, special courses on judicial enforcement are introduced, etc. However, as experience shows in the magistracy of the Academy, this is not enough.

As the experience of foreign countries has shown, an important condition for ensuring the high professionalism of the judiciary, independence, and impartiality of the judiciary is precisely the specialized professional training of the judiciary. This is the recommended international "gold standard" that most advanced foreign countries adhere to (with the exception of the countries of the Anglo-Saxon system, which is due to the peculiarities of the legal system, here judges are recruited from experienced lawyers with a long history of work).

We believe that the following areas of improvement of the system of professional training of judges in Kazakhstan can be highlighted. First, it is necessary to introduce the institution of a

candidate for a judicial position. This institution is widely used, as we indicated above, in a number of foreign legal systems. Secondly, all candidates for judges must necessarily undergo preliminary vocational training in a special educational institution - the Academy of Justice. All expenses for the training of candidates for judges should be borne by the state through the allocation of budgetary funds. This contributes to the implementation of international standards for the independence of justice, according to which, the effectiveness of justice depends on how successfully the idea of introducing this institution is implemented. In particular, the European Charter on the Status of Judges, where clause 2.3 stipulates the requirement for mandatory retraining of candidates for judges, "By obtaining appropriate education paid for by the state, the status ensures the training of selected candidates for the effective performance of these functions."

3 Results and Discussion

At the same time, candidates for the position of judges should be trained at the very last stage of their selection - after they pass a qualifying exam, receive advice from the relevant qualification board on appointing a judge, passing a polygraph examination, a special check, etc. Violation of such a sequence is not practical, as funds allocated from the state budget for the preparation of a candidate who has not passed the preliminary selection will be unjustified expenses of the state.

The basis of the model of such training can take the French National School of Magistracy (Ecole Nationale de la Magistrature).

In order to stimulate high-quality training of students, the best graduates (based on the nature and quantity of training, the grades obtained, the final rating) should have the priority right to select appointments to judge positions without further subjective selection.

It is necessary to improve the principle of "judges teach judges". At the present stage in Kazakhstan, judges of the Supreme Court of the Republic of Kazakhstan are involved in the process of training judges. However, there are a number of problems:

- it is quite difficult to combine teaching and judicial activities;
- the judges involved in the teaching process often do not have teaching skills;
- there are no incentives to enhance the teaching activities of acting judges.

These factors have a very negative impact on the quality of teaching. As we discussed above, in a number of foreign countries a holistic system of incentives and motivations for the voluntary participation of active judges in the training of future and newly appointed judges have been developed. This creates the conditions for attracting the best judges to teaching and also increases the prestige of both teaching and teaching in an institution that trains judges. For example, in France and the Republic of Korea, one of the prerequisites for the further advancement of a judge on the career ladder is teaching in an educational institution responsible for training judges. In these countries, personnel policy in the judiciary and the policy in the field of judicial education are closely correlated.

Given this positive experience of foreign countries, we believe that in Kazakhstan it would be possible to introduce the following:

- judges should be involved in teaching, apart from their main work as judges (from one to six years);
- it is necessary to create incentives and motivations for the best judges of Kazakhstan in order to attract them to the teaching of future judges and transfer their experience to them. Such incentives could be additional benefits (wage increases, etc.) and/or priority right to apply for a new, higher position, and other.

4 Conclusion

As a result of a comparative analysis of the selection and training of candidates for judges, the conclusion of questions about the legal framework for the selection and training of judges, the following conclusions can be drawn:

1. Unlike the standards enshrined in the international act and legislation of foreign countries in which there is a comprehensive system of preliminary training of candidates for judges, in Kazakhstan, in fact, there is no such systematic training of candidates for judges. The institution of the candidate for the judge is not formalized. Existing forms of education do not allow fully and systematically to fully prepare candidates for judges for their professional activities. This is largely due to the poor quality of administration of justice, judicial errors, low level of public and business confidence in the judicial system. In general, this has a negative impact on the socio-economic development of the country.
2. The following areas of improvement of the Kazakhstani system of selection and training of candidates for judges are based on advanced international experience. Firstly, it is necessary to introduce the institution of candidates for judges with the appropriate legal status and guarantees. Secondly, to establish a legislative requirement for mandatory preliminary training of all candidates for judges in a specialized educational institution - the Academy of Justice at the Supreme Court of the Republic of Kazakhstan, at the expense of the state, with the payment of proper salaries to students. Moreover, such training should be carried out at the very last stage of the selection of candidates for judges.
3. It is necessary to improve the principle of "judges teach judges" by involving experienced judges in the teaching, apart from their main work.
4. All these aspects should be regulated in detail in the constitutional law. We believe such a systematic approach contributes to improving the quality of judicial personnel, and hence the quality of the administration of justice and the protection of rights and freedoms of man and citizen in the Republic of Kazakhstan.

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