

Constitutional Law Fundamentals of the State Administration of the Social Sphere in the Republic of Kazakhstan

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ABSTRACT

The study deals with a comprehensive analysis of constitutional fundamentals of state administration of the social sphere in the Republic of Kazakhstan. The content of the constitutional law social sphere institution is unfolded by means of the inter-sectoral analysis of legal regulations of which it consists and the inter-disciplinary study of the elements of its structure. The essence and the content of state administration of the social sphere in the contemporary environment of the Republic of Kazakhstan is presented in correlation with related areas of administration. The authors studied the organization of public authorities in the social sphere and examined the specifics of activities of appropriate public authorities. A special attention was paid to the issues of efficient realization of the administrative and legal and social reforms in this area of social relations. The practical value is that the submissions can be useful for the improvement of the provisions of the effective legislation of the Republic of Kazakhstan and of practices of applying the law in the context of the process of the progressive formation of the Republic of Kazakhstan as a social welfare state

KEYWORDS

The Republic of Kazakhstan (RK), constitutional regulation mechanisms, social sphere administration, social reforms, social welfare state

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Introduction

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Constitutional foundations of the state administration of the social sphere is the aggregate of constitutional provisions and principles determining the essence of baseline relations underlying the administration of country's social system which are further detailed in industry-specific legislation (Box, 2004).

The Fundamental Law of the RK stipulates conceptual constitutional principles of administration of the social sphere, the system of social rights of human and citizen, the general mechanism of exercise of the state power, including in the social sphere (Constitution of the Republic of Kazakhstan, 1995; Pascall & Manning, 2000; Gunther Teubner Societal Constitutionalism, 2003). Formation of current legislation is carried out on the basis and in order to implement fundamental constitutional provisions of building a social welfare state in the RK (Tanchev, 2014).

It is pertinent to point out that in the period of formation of market relations, in the years of sustainable economic growth, in the today's environment of global financial and economic crisis, social priorities have remained obligatory for state authorities (Khamzin & Khamzina, 2015). The area of social relations in which social rights are of human and citizen are materialized require the creation and functioning of specialized public entities, fixation of functions aimed at materialization of social objectives with general sector-wide elements of state power (Khamzina, Buribayev & Oryntayev, 2015; Mironova, 2007; Shaipova, 2013).

Thus, the arguments determining the timeliness of this paper are: changes in the system of social sphere administration which took place in recent years; substantial gaps in carrying out supervisory functions in the field of regulation in the social sphere; insufficient legal coverage of the existence and materialization of social public relations; the limitedness of the theoretical and methodological and conceptual substantiation of the nature, content, structure of administration of the social sphere; certain fragmentation of levels of state administration (Dahrendorf, 2011).

Literature Review

Can note that the first theory of a social welfare state was developed by German scholar L. von Stein. His idea was further developed in the creative work of F. Neumann and A. Wagner (Baldwin, 1990).

Scientists have always been interested in the problems of the social sphere administration, not only as an independent research area, but also in its conjunction with general-theoretical and constitutional law issues of determining the essence of a social welfare state (Pierson, 2001; Huber, Ragin & Stephens, 1993), the system of constitutional social rights and guarantees of implementation thereof (Gunther Teubner Societal Constitutionalism, 2003), performance of its social function by the state, in conjunction with social interests, national social policy, fundamentals of state administration and other legal phenomena (Calhoun, 1996; Stillman, 2010).

Studies show that the theory of constitutional law foundation of the social sphere state administration can include the following issues: theoretical problems of the social sphere notion as of the object of constitutional regulation and state administration; determination of the constitutional law framework of the social sphere network (Raadschelders, 2008); characteristics of the system of administrating the sphere of social relations, in which the social rights of human

and citizen are materialized; certain parameters of materialization of constitutional social rights; selection of state legal mechanism of formation and materialization of the state's social function (Spicer, 2005).

Scholars agree that the process of gaining independence by the Republic of Kazakhstan, building new constitutional law fundamentals of the state and of the national legal framework, development of social institutions in the market economy environment entailed drastic changes in the determination of the bases of existence and development of the social sphere, in the state policy of administration of this area of social relations (Khamzina & Buribayev, 2015a; Steiner, 2010).

The structure of the RK Constitution provisions stipulating social rights is built in such a manner that such provisions extensively regulate the content of relevant rights, but less attention is paid to the mechanisms of materialization of such rights, leaving out this issue for regulation by current legislation (Khamzina & Buribayev, 2015b).

The structure of mentioned above constitutional provisions is seemed to be incomplete, because the mechanism of materialization of the social rights proclaimed by the RK Constitution has no efficient algorithm for ensuring it which would be stipulated in the Fundamental Law, no guarantees, and different lines of state policy, through which such rights are materialized, are not detailed (Khamzina & Buribayev, 2015b). A legal provision is justified when a subjective social right declared by has a foundation made by a set of state activity areas, when a system of relevant legal and organizational arrangements is created, on the basis of which such the materialization of such right is enabled (Tanchev, 2014).

Such a turn required a brand new scientific apprehension and justification; there was a need for new legislative regulation of legal relations arising in the process of the social sphere administration (Gilbert & Terrell, 2013).

In such environment, the scientific analysis of the problems of state administration of the social sphere, of the practice of applying relevant legislation, of the issues of efficient and complete materialization of human social rights in the RK, becomes especially topical and relevant.

Aim of the Study

The purpose of the study is to analyze the entire set of issues connected with the dynamics of relationships pertaining to the social sphere administration, paying a special attention to examination of legal mechanisms of national social policy implementation, of performance of its social function by the state.

Research questions

The foregoing presumes addressing the following problems:

- Determination of the content, vectors of constitutional regulation in RK and characteristics of the social sphere as the object of such form of legal effect;
- Studying the constitutional principles of the governmental policy and administration of the social sphere, and of the guaranties of materialization thereof;



- Ascertaining constitutional law characteristics of the “social sphere” notion as the object of governmental administration, and uncovering the interrelation thereof with adjoining objects of administration;
- Review of the particulars of the system of social human rights in the aspect of constitutional guarantees of the mechanisms for materialization thereof;
- Analysis of the conceptual framework of the organization of the system of governmental administration in the social sphere;
- Apprehension of the status and competency of central executive authorities engaged in administration of the social sphere in the context of systematization of administrative functions in the discussed field of social relations;
- Study of the mechanisms of interaction of local authorities in the social sphere which ensure the adherence to social rights’ guarantees parameters;
- Analysis and suggesting ways to address the issues of legal provisions for improvement of the efficiency of the social sphere governmental administration.

Method

The scientific research is based on the dialectic method which implies the examination of the object of research in universal interrelation, as well as in its development through contradictions. A system approach is used in the analysis of the constitutional law coverage of state administration of the social sphere. The phenomenon of the social sphere is associated by us with the system of social relations arising between the state and the society; the systematicity of the social sphere is provided by the inter-sectoral nature of legal regulation (by the provisions of the constitutional, administrative, labor, medical, educational, housing, and social security laws), by the inter-disciplinary approach to the problem of social sphere administration. This paper studies only the constitutional aspect of state administration of the social sphere, because the constitutional regulation has a priority, prevailing, leading nature as compared to other areas of sectoral regulation. At the same time, the study of constitutional fundamentals of administration has to rest upon conclusions and achievements of the scientific thought in different areas, but herewith stay within the frames of the subject of the constitutional science, i.e. the relations regulated by the norms of constitutional law which underlie state administration of the social sphere.

The essence and the dynamics of the constitutional law social sphere institution are determined by the objectives, the system of values and fundamental principles of activities of the state of Kazakhstan based on the establishment of the RK as a social welfare state. The content of the constitutional law social sphere institution is unfolded by means of the inter-sectoral analysis of legal regulations of which it consists and the inter-disciplinary study of the elements of its structure. Such methodological approaches are provided for by the fact that a dominating nature is intrinsic to the system of constitutional law in respect the system of law in Kazakhstan, and by the universal property of constitutional provisions which lies in the fact that

they are embodied, implemented, concretized in the regulations which are other legal sectors of the legislation.

The regulatory basis of the work was the legislation of the RK, or foreign countries, and international legal acts.

As the practical basis of the study, the experience in application of the social legislation was used; the results of law-making, of systematization were used; the conclusions made by authors in their expert opinions in respect of a number of draft laws were generalized; the analysis of the information of statistical authorities concerning social development was carried out; the results of social researches and the data on social indicators of administration and of the conduct of social policy, as well as judicial decisions were also used.

Data, Analysis, and Results

The social function of the state is one of its principal areas of activity which is carried out in the sphere of social relations and which provides for a decent, sufficient standard of living of its citizens, for solving social antagonisms and implementation of citizens' accorded interests on the basis of social standards which are recognized in the given society and are legally stipulated. Social functions of today's RK are characterized by the following development tendencies:

- incremental increase, in monetary value, of welfare payments, introduction of new forms of social protection financed from the state budget;
- creation and expansion of social insurance system for able-bodied population against cases of occurrence of social risks, increase in insurance payouts and expansion of the range of grounds for such payouts with keeping social security deductions at same level;
- functioning of a variety of social protection forms, with the priority given to forms with compulsory participation;
- expansion of sources of financing social actions and measures in the direction of using the funds of citizens' personal savings, employers' funds, funds of insurance companies;
- support to the usage of non-governmental institutions, to the method of social partnership in the system of legal effect on social relations;
- development of social legislation according to the principles of mutual responsibility of the state and citizens for the content of individual forms of social protection and level of welfare payments, and herewith the priority should be given to establishing mechanisms for involving citizens into the system of forming own sources of financing social actions;
- incremental increase of the population social protection level according to the world's generally recognized social standards (Khamzina & Buribayev, 2015a).

The development of social welfare state in Kazakhstan presumes that the primary importance is attached to performance of its social commitments by the state, to pursuing an efficient social policy. The establishment as a social welfare state presupposes a steady development of the social organization of our state and society. The system of social organization unfolds through many elements:



through the state administration based on constitutional social principles which includes all levels of administration, through the interaction between the state and private sector in addressing social issues, through existing forms and kinds of social protection and provisions for the population, through quality legislative and regulatory framework ensuring the existence and the materialization of social relations and social rights, as well as through such other elements as social culture, legal consciousness, ideology, etc.

In result of implementation of different forms of governance – law-making, law enforcement, control, supervision, monitoring, administration, coordination – the state objectively guarantees the performance of undertaken social obligations. One particular feature of the social sphere administration is the fact that the major part of social actions are financed from the state budget, and due to that, proper and efficient use of this source for social needs is possible only by virtue of state governance institutions.

The responsibility for carrying out social actions and materialization of social measures is distributed among levels of state administration where a significant role is assigned to local executive authorities which immediately carry out social actions and which are the very subjects in social administration and corporeal legal relations. Many forms of social protection and aid are financed from local state budgets, and in this case local executive authorities become entities responsible for material support to provision of a guaranteed level of social support to the population. Local executive authorities are immediate subjects of social law-making which define the level, forms, conditions of granting social payments, aid, services, and other forms of social protection.

The development and implementation of the system of social standards will allow to re-distribute the powers of public authorities in the sphere of social development to local authorities with the purpose to bring authorities closer to citizen with taking into consideration the improvement of administration efficiency and saving budget and extra budgetary funds, because efficient application of standards is achieved when authorities directly interact with the person pretending to a right. The system of social standards will require the introduction of new approaches to implementation of inter-budget legal relations and to planning of the expenditure side of the social part of the state budget with taking into consideration the actual needs of citizens in measures of social aid, service, and protection.

In the scientific analysis conducted, the main background is the fact that the formation of a truly social welfare state is associated, firstly, with the conduct of a social state policy aimed at creation of conditions for a decent life for its citizens and free development of person, adequate to the capabilities of the state; secondly, with the creation and functioning of the mechanisms of complete materialization of the system of constitutional social rights. This very conclusion determined the orientation of the achieved results at improvement of theoretical and legal groundwork for materialization of constitutional social rights of person by virtue of functioning of state administration institutions.

1. The conducted research allows to justify the theory of constitutional foundation of the state administration of the social sphere, to establish the fact that the legal framework for governmental power purpose-oriented effect on social binds is built on the basis and in pursuance of constitutional provisions

related to consolidation of the RK as a social welfare state of law, on the provisions related to the securing the system of social constitutional rights and to the conceptual framework of exercise of the state power.

2. Administration of the social sphere has a purpose-oriented effect; in our opinion, the purposes can include the creation of mechanisms of complete multifold materialization of citizens' social rights and conduct of an efficient social policy, and the ultimate "ideal" goal is construction of the social organization of Kazakh statehood.

3. The constitutional structure of fundamental principles of arrangement of the RK allows making a conclusion that the social sphere is a priority one in the system of values of functioning of the state and the society in general, as well as of public authorities in particular. Constitutional principles of the state administration of the social sphere have a nature of stipulated by regulations certain declarations which set the prospects of development of the social legislation which would be consistent with contemporary practical needs, with the state of financial and economic systems, and with the requirements of deepening social reforms.

4. A social welfare state requires such a level of organization of the state power mechanisms which would provide for all the conditions needed for materialization of social rights guaranteed by the Constitution of the country. Herewith, the content of social rights is determined by the level of maturity of economic and political relations in the society. In the RK, the sequenced construction of a welfare state of law is aimed at securing the interests of socially vulnerable groups; at care for creation of conditions for independent participation by the citizens in individual forms of social protection, security, insurance, service; at securing necessary and sufficient conditions for implementation of the principle of freedom of labor, freedom of economic activities as the main direction of pursuing its social designation by the state which would be fair for each member of the society; at securing the social orientation of the Kazakh economy and establishing a developed social legislation which would adequately reflect the state of the society and the needs of its citizens; at creation and securing the functioning of the mechanisms for full implementation of the system of constitutional social rights.

5. In the environment of formation of a social welfare state, social policy the status of a priority direction of internal state policy. The contemporary social policy of the Republic of Kazakhstan deviates from the principle of solidary financing of providing social benefits and rests on market relations to which a personal responsibility for the level of personal social protection is inherent, in conditions when social expenditures have to be adequate to actual economic capabilities of the state which allow adjusting financial flows into the social sphere depending on the state of economic relations in the society.

6. The exclusively governmental mechanism of administration is able to objectively guarantee the performance by the state of undertaken social obligation within the frames of enforcement of constitutional rights of person and citizen and performance of the social function. Most of social measures in the RK are financed from the state budget, and an appropriate and efficient use of this source for social needs is possible only by virtue of governmental administration institutions. The system of governmental administration is the



regulator of non-governmental parties of social relations, coordinating and supervising their activities within the frames of generally established rules.

7. The social function of the state is one of the main fields of its activities which is carried out in the social sphere of public relations and related to securing a decent, sufficient standard of living, resolution of social antagonisms and materialization of concerted interests of citizens on the basis of social standards which are recognized in the society and stipulated in its legislation. The social function concretizes contemporary goals of the state administration in the social sphere. The content of the social function is determined by the goals of the development of the state. In the Republic of Kazakhstan it is a steady construction of a welfare state of law which is destined to secure the interests of socially vulnerable groups; at care for creation of conditions for independent participation by the citizens in individual forms of social protection, security, insurance, service; at securing necessary and sufficient conditions for implementation of the principle of freedom of labor, freedom of economic activities as the main direction of pursuing its social designation by the state which would be fair for each member of the society; at securing the social orientation of the Kazakh economy and establishing a developed social legislation which would adequately reflect the state of the society and the needs of its citizens; at creation and securing the functioning of the mechanisms for full implementation of the system of constitutional social rights.

Social functions of today's RK are characterized by the following development tendencies: incremental increase, in monetary value, of welfare payments, introduction of new forms of social protection financed from the state budget; creation and expansion of social insurance system for able-bodied population against cases of occurrence of social risks, increase in insurance payouts and expansion of the range of grounds for such payouts with keeping social security deductions at same level; functioning of a variety of social protection forms, with the priority given to forms with compulsory participation; expansion of sources of financing social actions and measures in the direction of using the funds of citizens' personal savings, employers' funds, funds of insurance companies; support to the usage of non-governmental institutions, to the method of social partnership in the system of legal effect on social relations; development of social legislation according to the principles of mutual responsibility of the state and citizens for the content of individual forms of social protection and level of welfare payments, and herewith the priority should be given to establishing mechanisms for involving citizens into the system of forming own sources of financing social actions; incremental increase of the population social protection level according to the world's generally recognized social standards.

8. The notion "social rights", despite its topicality and relevancy, remains poorly studied in the legal science, there is no common approach to the essence of social rights. Herewith, in our opinion, the primary importance is given not only to development of the essence and legal stipulation of legal rights, but also the creation of efficient mechanisms of materialization thereof by virtue of, at the first place, efficient activities of public authorities regulating the social sphere which exercise the social function of the state. Taking into consideration the special significance of the status of social rights and of the guarantees of materialization thereof, public authorities have to be given the competency to

inform the population about forms, kinds, procedures of accomplishment of measures aimed at social support and rendering assistance to the citizens in exercising their social rights.

9. Social legal relations are the form of objective reality in which the state's social function and relevant course of governmental policy is practically implemented. Because only legal relation is the form of objective reality in which it is possible to legally exercise the functions inherent to a social welfare state, to turn into reality concrete measures in the sphere of social policy. It is social legal relations in which concrete social benefits, social measures declared by the RK Constitution, are materialized in social legal authorities. The system of public relations – procedural, material, organizational, of control and supervision – aggregately reveal the sequential cycle of state administration in the social sphere.

10. Main problems of state administration in the social sphere are seemed to be in the following issues which have to be solved: creation of state mechanisms for balancing the interests among personal participation in formation of guarantees of social benefits provision and governmental guarantees of materialization of personal social rights; distribution of powers and responsibilities among different levels of executive authorities, arrangement of public authorities' functions in the social sphere; creation of an appropriate system of supervision over the practice of materialization of social relations and application of social legislation; the necessity to elaborate an optimum proportion between state centralized guarantees of materialization of constitutional rights of person and decentralized guarantees provided by local authorities; development of efficient ways of participation of nongovernmental organizations in administration of the social sphere, of participation of nongovernmental sources of financing in accomplishing social measures and activities; elimination of the declarative nature of governmental programs for development of the social sphere public relations and governmental administration thereof.

11. Social standardization should become a new sphere of regulating the most important parameters of social development on behalf of public authorities and local authorities in the present context. In our opinion, social standards should determine the minimum required level of provision of social guarantees which is expressed in the most important social regulations stipulated in the legislation. The sphere of social standardization should include the most important, generalizing and long-term social indicators, as well as qualitative characteristics of social services' provision. Introducing social standards and norms will allow to improve the efficiency of state administration in the social sphere, the most important sphere of any state.

12. On the basis of a profound analysis of social reforms conducted in the Republic of Kazakhstan, main important stages of the reforms of social sphere state administration were reduced: 1) creation of national agencies for state administration of the social sphere; 2) structural optimization of public authorities, re-distribution of functions and powers with the purpose of creation of a unified body for administration of the social sphere, as well as for strengthening the financial oversight over activities of the entities engaged in the defined contribution pension system; 3) partial strengthening of decentralization of state guarantees of materialization of personal social rights;



4) improvement of the sphere of state administration of the defined contribution pension system and the social insurance system, which included the emergence of new administrative entities and reformation of the principles and methods of social benefits' provision; 5) current stage which includes a comprehensive reform of the social sphere administration: development and implementation of social standards, improvement of social legislation; implementation of the principles of generality combined with targeted orientation in provision of social benefits, and other directions corresponding to main parameters of the administrative reform underway in the Republic of Kazakhstan.

13. State administration in the social sphere presupposes a wide engagement of local authorities in social activities but the efficiency of performance of their functional duties in respect to certain social indicators, accomplishment of planned social measures and actions, are possible and implementable only in conditions of relevant financing. Efficient exercise of the legal powers of local authorities in the social sphere is only possible, provided that relevant economic rights of local authorities in respect of formation and distribution of budgetary funds are legally stipulated.

The responsibility for carrying out social actions and bringing social measures to life is distributed between levels of state administration, where a significant role is given to local executive authorities which directly carry out social actions, and which are subjects of social administrative and property legal relations. Moreover, many forms of social protection and aid are financed from local budgets, and in this case local executive authorities become entities responsible for material support to provision of the guaranteed level of social protection. More to that, local executive authorities are direct subjects of social law-making determining the level, forms, and conditions of provision of social payments, aid, services, and of other forms of social protection.

14. The aspect which must be paid a special attention to, as to the factor impairing the efficiency of the legal coverage of social sphere state administration, is insufficient quality of regulatory legal acts in the social sphere, the huge legal framework regulating social relations, the inconsistencies in the content of regulatory legal acts forming the social legislation, the lack of legally stipulated common approach to administration of the social sphere, to conducted social policy and principles of materialization of social relations.

Therewith, the lack of a common concept of development of the social legislation, no common principles of materialization of social legal relations and principal guarantees of materialization of citizens' social rights impair the efficiency of legal regulation of social relations, as well as the quality of adopted regulatory legal acts in the social sphere. Main shortcomings of the current social legislation are seemed to be as follows:

- Insufficient justification of the subject of legal regulation, that is, of the scope of social relations existing in the social sphere and requiring legal regulation by social legislation.

- Absence of common legally stipulated principles and guarantees of implementation thereof for steady development of social relations which is a necessary precondition for constructing a social welfare state in the Republic of Kazakhstan. The Constitution of the Republic of Kazakhstan stipulates the baseline principles of materialization of social rights, of conducting social policy, of state administration in the social sphere, of constructing a system of social

legislation; but in the legal system such principles should have necessary guarantees of implementation thereof, constitutional principles have to be more extensively stipulated in current legislation and precisely formulated in respect of concrete groups of social relations.

- The system and the powers of public authorities carrying out the functions related to the administration of the social sphere, provision of social benefits, determination of the functions of persons being beneficiaries of social benefits, have to be legally stipulated.

- A significant amount of regulatory legal materials in the social sphere, a large part of which is bylaws, is a hindrance to uniform comprehension of the sense and of the application of social regulations.

- The abundance of departmental law-making in the social sphere promote the adoption of inconsistent acts in the social sphere and creation of conditions for occurrence of so-called “legal vacuums”, when either the relations which should be legally regulated remain without legal effect, or when a legal act is adopted there is no practice of creation of necessary organizational entities needed for implementation of legal rules.

One of the important fields of solving the above mentioned problems with the state of social legislation and regulation of social relations should be, in our opinion, the systematization, unification of all social norms in the form of codification thereof, development and adoption of a unified regulatory legal act in the social sphere – one of the most important spheres of the society and the state – of the Social Code of the Republic of Kazakhstan.

The conducted analysis of the theoretical and practical problems of constitutional foundation of the state administration of the social sphere in the Republic of Kazakhstan allows us to make certain generalizations of this study, to propose recommendations in respect of prospective directions of further development of the process of reformation of the legal mechanism of materialization of administrative relations in the social sphere.

Discussion and Conclusion

Using the similar methodology, foreign economists H.L. Lampert (1993) and L. Erhard (1992) studied the problems of development of socially oriented market economy which is a critical criterion for formation of a social welfare state (Lampert, 1993; Erhard, 1992). Urgent aspects of formation of a social welfare state in foreign countries also were analyzed in (Dahrendorf, 2011; Rosanvallon, 2015; Axinn & Stern, 2011).

The features of state administration of the social protection system are determined in (Estevez-Abe, Iversen & Soskice, 2001; Hacker, 2002). But it seems that the scientific and practical studies existing as of today do not enable to form a comprehensive understanding of the constitutional law nature and content of the constitutional law administration of the social sphere.

The difference of our study from previous ones consists in the following: in profound and systematic analysis of the essence of the social sphere constitutional regulation; in presentation of mechanisms of constitutional legal coverage for administration of not only social support, but generally, of the entire social sphere system in the author’s comprehension of this phenomenon defined in the thesis; in theoretical underpinning of the significance of the



constitutional entrenchment of social rights, performance of the social function by the state, materialization of social relations for the social sphere administration; in determination of general mechanisms of the state activity of the governmental authorities in this field of public relations; in analysis of the retrospective of the social sphere administration process in the Republic of Kazakhstan; in justification of efficient possibilities to improve the efficiency of the social sphere administration legal framework.

Alongside with that, the issues of constitutional legal coverage of the social sphere administration in the Republic of Kazakhstan have never been the matter of an independent comprehensive scientific research. The problem statement itself from the proposed perspective of study thereof through the constitutional law mechanisms providing for materialization of administrative relationships, the object of which is the social sphere as a whole, has never been the matter of scientific research with the orientation at constitutional law.

In such a way, the analysis of the available scientific research results suggests that the topic of the thesis research is underexplored, and that a new comprehensive insight into the examined problem is needed.

In summary, the study conducted by us allowed to justify the theory of constitutional groundwork of state administration of the social sphere, to prove that the legal coverage of the state power purpose-oriented effect on social binds is built on the basis and in pursuance of constitutional provisions related to consolidation of the Republic of Kazakhstan as a social welfare state of law, on the provisions related to the securing the system of social constitutional rights and to the conceptual framework of exercise of the state power.

It is established that the issues of the legal groundwork for administration of the social sphere are of inter-sectoral, multifaceted nature, and are beyond the scope of only administration of managerial activities in this field of public relations; this feature is conditioned by a special nature of the object of effect – the aggregate of social and closely connected relations of inter-sectoral nature – and in this context the issue of improvement of the efficiency of the arranging in an ordered fashion governmental effect on the above mentioned object requires a multidimensional approach, carrying out the work in a systematic way, with the use of the abilities of different branches of law. At the present stage, this activity has been just commenced, but it has no logical end which is due to constant dynamics of the social sphere requiring continuous work.

With the purpose of preventing the declarative nature of the adopted regulatory acts in the social sphere, a practice of development and adoption thereof should be established, associated with relevant amendments in financial and budget legislation, which amendments have to provide for procedures and means supporting the implementation of social measures. The conclusion is justified that adoption of the Social Code of the RK will make it possible to determine, for the first time in the history of our state, a unified structure of legal regulation and state administration of the social sphere which would satisfy contemporary priorities of the Kazakhstan's social policy within the frames of a steady establishment of social statehood.

Implications and Recommendations

The study can serve as the basis for further scientific research of constitutional aspects of both the social sphere administration as a whole and administration of its individual elements.

The practical importance of the research lies in the fact that the results of the study allow to develop new and to amend the existing regulatory legal acts forming the social legislation, as well as to amend the constitutional provisions; to create the foundation for further scientific, methodological, educational research in the field of the problems of constitutional law science and state administration; to use the conclusions of the study when training specialists in law; to assist in conducting an efficient national social policy.

The prospects of further development of the social sphere have to be regarded as topical, most important directions of constitutional regulation, within the frames of existence of an independent institution of constitutional regulation of constitutional groundwork of state administration of the social sphere in the RK. The regulations forming this legal institution are not limited to the field of constitutional relations' regulation, and cover the entire system of law and objects of regulation of different branches of law. This property of constitutional provisions is due to the universal nature of the effect of the country's fundamental law and the fact that there are no relations in the system of public relation which would not be regulated by and which would not be covered by the provisions and principles of the RK Constitution. This summary has to be the baseline point for further theoretical and practical studies of the object of this study.

Disclosure statement

No potential conflict of interest was reported by the authors.

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