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*e-mail: kuralay_turlykhan@mail.ru**LABOR DISCIPLINE AND LABOR MARKET REGULATION ACTIVITIES****Abstract.**

The purpose of this paper is not only to analyze the current state of the labor market in Kazakhstan but also to propose recommendations for optimizing labor policy, taking into account both current challenges and potential opportunities for sustainable development of the labor market in the country. Based on a wide range of data, including statistical indicators range of unemployment levels, legislative changes, and analysis of judicial practice, we aim to identify correlations and cause-and-effect relationships between labor discipline and market indicators. This research provides a detailed comparative analysis of the number of labor disputes and the evolution of Kazakhstan's labor discipline legislation. Key observations include the correlation between stringent disciplinary norms and reduced unemployment, the influence of judicial practices on labor discipline, and the necessity of balancing strict discipline with fair treatment to prevent legal disputes. The findings offer valuable insights for optimizing labor policies to support sustainable labor market development in Kazakhstan.

Key words: employee, employer, labor, labor law, employment contract, labor relations, labor disputes.

Introduction.

Labor discipline expresses the imperativeness in regulating labor relations. Imperativeness implies the establishment of subordination between the subjects to whom the legal norm is addressed. In labor law, these are norms about the disciplinary responsibility of employees to the employer. The application of types of disciplinary responsibility depends on the subjective discretion of the employer.

This study investigates the role of unemployment as a mechanism of labor discipline in Kazakhstan. It analyzes the relationships between the official unemployment rate and the reforms in labor legislation regulating labor discipline that have occurred since Kazakhstan gained independence. The manuscript outlines the developmental stages of labor legislation concerning labor discipline.

Disciplinary responsibility falls upon the participants in a labor-legal relationship, who initially have equal legal standing. However, when disputes arise, the employee comes under the authority of the employer, who is empowered to enforce disciplinary measures. Historically, labor law was developed to safeguard workers from severe exploitation by employers. Consequently, when imposing disciplinary actions, it is crucial to maintain a fair balance between the employee's misconduct and the severity of the punishment imposed by the employer, and to adhere strictly to the prescribed procedures for enforcing responsibility.

Disciplinary actions against employees serve as a means to reinforce labor and production discipline, thereby enhancing the overall efficiency of the work process [1]. The standard microeconomic theory of the labor market suggests that unemployment acts as a mechanism for labor discipline in developed countries [2]. What does this mechanism look like in Kazakhstan? This paper attempts to answer this question by constructing a theoretical pattern that characterizes the level of unemployment and the state of legal regulation of production discipline at workplaces. The independent variables in this study are the level of regulation of production discipline at workplaces. The independent variables in this study are the level of regulation of disciplinary responsibility of employees and the country's unemployment rates. Changes in Kazakhstan's labor

legislation have significantly influenced the dynamics of the labor market and the level of unemployment in the period after the country gained independence. However, measures of disciplinary responsibility, including the risk of dismissal, while important, are just one of many factors affecting this market.

Materials and methods of research.

To meet the goals outlined in this article, the study is based on a thorough examination of statistical data, legislative documents, and judicial practices in Kazakhstan. This approach facilitates the identification of relationships between unemployment levels and changes in labor legislation that regulate disciplinary responsibility in the labor market.

Data for the study were sourced from several channels:

Official statistics, which include data on unemployment and labor disputes, are provided by the National Statistical Bureau and the Supreme Court of the Republic of Kazakhstan.

Analysis of changes in the Labor Code of Kazakhstan affecting disciplinary measures and dismissal procedures.

Review of decisions on labor disputes related to disciplinary sanctions and dismissals, based on open sources and legal databases.

The analytical methods employed included quantitative analysis, which involved using statistical methods to examine the dynamics of unemployment and labor disputes. Additionally, correlation analysis was used to identify the relationships between legislative changes and unemployment levels. The qualitative analysis included interpreting changes in legislation and their potential impacts on labor discipline and dismissals.

The following research hypotheses were formulated: Strengthening disciplinary responsibility in Kazakhstan has a positive impact on reducing unemployment levels by enhancing labor discipline and decreasing the number of labor conflicts. Legislative changes that tighten dismissal procedures lead to reduced labor mobility and could potentially increase unemployment levels due to the challenges associated with dismissing inefficient workers.

Results and its discussion.

Regulations on work discipline vary in labor laws based on the type of job and the working conditions of employees. This basis for differentiation is extensive in its content. Its distinctive normative stance is that, in contrast to general procedures, the legislature sets forth particular disciplinary measures for different employee groups, such as state officials, civil servants, law enforcement officers, and railway workers, deviating from the standard provisions outlined in labor legislation. Practically in every state management body of the Republic of Kazakhstan, relevant departmental regulations on labor discipline have been adopted and are successfully in operation. The Labor Code of the Republic of Kazakhstan stipulates that working conditions for various employee categories, as outlined by other legal regulations, must not undermine the rights, freedoms, and protections guaranteed by the Code (Article 8, Paragraph 4). Consequently, any sector-specific or departmental regulations regarding labor discipline must not erode employees' rights compared to the general provisions of the Labor Code, which governs incentives and disciplinary actions. The Labor Code designates the maintenance of labor discipline as a primary responsibility for employees, requiring adherence to established labor norms and specific workplace rules. Labor discipline should be considered from two viewpoints: concerning the employer and the employee. Employers are primarily responsible for providing the necessary resources and materials to enable employees to carry out their duties, thereby ensuring adequate working conditions in line with legal, labor, and collective agreements. Employers are also responsible for managing the production process through internal regulations and can impose disciplinary actions for breaches of labor discipline. From the employee's perspective, labor discipline involves strictly following the rules set out in labor laws and the employer's internal regulations. When a labor contract is signed, the employer must inform the employee of the internal regulations pertaining to the workplace. These internal regulations may also be detailed in

the collective agreement, which outlines responsibilities related to compliance with labor and production discipline. Hence, internal labor regulations are a way to formalize and specify labor discipline within the organization. In labor law, labor discipline is treated as a distinct legal institution within the broader field, encompassing the norms that govern both employer and employee behavior. This is covered in Chapter 5 of the Labor Code of the Republic of Kazakhstan, titled "Labor Order. Labor Discipline. "Labor discipline can be upheld through two key approaches: incentives and coercion. Coercion involves applying suitable moral and material penalties to manage violations. Disciplinary responsibility refers to the legal repercussions employees encounter for disciplinary offenses. This form of responsibility results in changes to the employee's labor rights and obligations due to a breach of discipline and the imposition of sanctions. It requires employees to face personal consequences for not adhering to labor standards, employer rules, or their individual contracts. Disciplinary responsibility is only applicable for specific misconducts, known as disciplinary offenses, which involve unlawful or negligent failure to perform work duties or adhere to labor discipline. The extent and nature of the employee's fault are assessed on a case-by-case basis and can range from intent to negligence. If an employee's violation of labor discipline occurs without fault on their part, they should not be subject to disciplinary action.

The Labor Code of the Republic of Kazakhstan (LC RK) outlines several disciplinary measures: reprimand, warning, severe reprimand, and dismissal initiated by the employer under specified conditions. The Code enumerates ten particular offenses that may lead to termination. While reprimands, warnings, and severe reprimands can be issued for a wide array of infractions, dismissal, in addition to reprimands and warnings, is restricted to serious violations of labor duties detailed in subparagraphs 8 through 18 of paragraph 1 of Article 52 of the LC RK [3]. This list is definitive and not open to broader interpretation. In comparison, the previous Labor Code of 2007 (dated May 15, 2007, №251-III) listed ten disciplinary offenses that could lead to termination of employment at the employer's request (subparagraphs 6 through 13 and 16 of paragraph 1 of Article 54). Although the number of offenses in the current LC RK of 2016 remains the same, there have been changes in the nature of these offenses. The current Labor Code of the Republic of Kazakhstan introduces a new disciplinary offense: intentionally submitting false documents or information to the employer when initiating or transferring an employment contract, where accurate information might have resulted in the rejection of the contract or transfer. In contrast, previous grounds for dismissal, such as exploiting one's position for personal benefit at the employer's expense, have been removed from the list. Earlier legislation in effect from 2000 until mid-2007 (Law of the Republic of Kazakhstan dated December 10, 1999, №493) specified only four disciplinary offenses that could lead to termination of employment (subparagraphs 9 to 12 of Article 26 of the Law). The Code of Labor Laws of the Kazakh SSR (approved by the Law of the Kazakh SSR dated July 21, 1972. Repealed by the Law of the RK of December 10, 1999, №494) stipulated dismissal for four disciplinary offenses (items 3, 4, 7, and 8 of Article 33 of the Code). Thus, we conclude that the labor legislation of Kazakhstan has been significantly tightened since 2007 concerning the possibility of dismissing employees at the initiative of the employer for committing disciplinary offenses. The enhancement of labor discipline regulations was also reflected in a more detailed procedure for enforcing responsibility. Thus, the Labor Codes of RK of 2007 and 2016, unlike the RK Law "On Labor" of 2000, contain a strictly specified procedure for the application of disciplinary sanctions, the terms of imposition, and the duration of the sanction.

Kazakhstan's labor legislation governing disciplinary responsibility has undergone several stages of reform since the country gained independence. These legislative changes reflect significant shifts in the state's approach to disciplinary responsibility and mirror the country's socio-political and economic development. The first stage, from 1991 to 1999, was marked by the dismantling of the planned socialist economy and the transition to a market economy. During this

period, the country's economy experienced stagnation. One of the priorities of state policy was the necessity to establish the institution of private property as a fundamental element of market relations. The state adopted privatization of state property as a tool to achieve this goal, which was the only existing form of property involved in economic activities at that time. Consequently, there was a significant change in the structure of labor relations: instead of essentially having a single employer represented by the state, new property owners emerged who simultaneously became employers. Wage labor lost its mandatory characteristic of collective organization, professional unions began to rapidly lose their previously held positions, and the regime of legality in labor relations was not fully ensured. During this period, labor discipline was regulated by the Labor Code of the Kazakh SSR (established by the Law of the Kazakh SSR dated July 21, 1972. Repealed by the Law of the Republic of Kazakhstan dated December 10, 1999, №494), which was characterized by relative leniency towards labor discipline and disciplinary offenses by workers, as well as formalism in enforcing discipline rules. Paradoxically, this state of legislation contributed to the liberalization of wage labor and the involvement of a significant number of citizens in labor relations under new ownership.

The second stage, from 2000 to 2006, is characterized by macroeconomic and political stabilization and economic growth. During this period, the Law of the Republic of Kazakhstan of December 10, 1999, №493 "On Labor" was in effect, which was the most liberal basic labor law in the entire legal history of Kazakhstan. The new conditions for the formation of new property owners and new labor relations required the creation of maximally comfortable conditions for employers, including in terms of freedom to terminate employment contracts and impose disciplinary responsibility on employees. The primary aim of the "On Labor" Law was to facilitate the shift from socialist labor regulations, which were part of a tightly controlled state economy with the state as the predominant employer, to a new labor framework better suited to the evolving market economy. In the era of the very first steps towards a market economy, capital accumulation, and the privatization process of state property, another law would have hindered the construction of a capitalist structure of the country's economy.

The third stage, spanning from 2007 to 2015, was marked by the introduction of the first Labor Code of the Republic of Kazakhstan on May 15, 2007, №251-III, alongside a period of substantial economic and political stabilization. This phase involved addressing a complex challenge: establishing a legal framework for self-regulating labor relations with minimal state intervention while simultaneously maintaining the high level of legal protection and worker rights previously ensured by the state. The 2007 Code introduced several significant innovations, including the development of social partnership institutions, principles, bodies, and mechanisms for collective bargaining. It also brought changes to wage regulation, standardization, and the provision of guarantees and compensations. Notable improvements included detailed provisions for the protection of workers' labor rights, the resolution of labor disputes, disciplinary actions, and dismissal procedures. At its inception, this Code was seen as a transitional measure designed to support the country's economic development during a period when balancing the interests of workers, employers, and the state, and ensuring substantial social guarantees was crucial.

The fourth stage, from 2016 to the present, is characterized by profound social, political, and economic reforms accompanied by economic growth. The ongoing reforms necessitated a more adaptable regulation of labor relations to encourage business development and job preservation. However, maintaining high social guarantees for workers was perceived as a hindrance to innovative economic progress, limiting the labor market's expansion and the creation of new employment opportunities. The 2007 Code, which primarily addressed large, traditional enterprises, was not aligned with the evolving labor landscape and the rise of diverse employment forms. Consequently, the current Labor Code of the Republic of Kazakhstan was enacted, introducing more flexible and dynamic labor regulations. This updated Code emphasizes the role of collective bargaining while preserving the state's legislative and supervisory functions to ensure

a minimum level of social rights and hold violators accountable. The institute of labor discipline became more regulated, the requirements for its compliance increased, and the power of the employer, which includes the dismissal of employees who have committed disciplinary offenses, expanded. The new strict legislation on labor discipline and corresponding practice, reflecting a management style with high commitment, had a limited impact on the number of labor disputes over unfair dismissals and the application of disciplinary sanctions.

The main socio-economic indicators of the Republic of Kazakhstan regarding the unemployment level have been available since 1994 [4]. In the period of 1994-1999, the average unemployment rate was 11.9 percent. In the period of 2000-2006, it averaged 9.4 percent with a significant variation by year, namely 12.8 percent in 2000 and 7.8 percent in 2006. In the period of 2007-2015, the average registered unemployment rate was 5.8 percent. In the period of 2016-2023, the average unemployment rate was 4.9 percent.

Thus, we find a correlation between the content of the liberal labor legislation regarding labor discipline in the period of 1991-2006 and the high level of registered unemployment. A strong connection has been established between the tightening of disciplinary responsibility, as provided for by labor legislation from 2007 to the present, and the reduction in the level of registered unemployment.

That is, the strengthening of disciplinary responsibility, increasing the employer's authority when bringing to responsibility, has positively influenced the level of unemployment in the country in the context of Kazakhstan's developing market, with its indicators decreasing.

Our data confirm the hypothesis about the influence of strict labor discipline legislation on increased productivity and the formation of a fear of dismissal. Strict discipline in the workplace and the threat of dismissal motivate employees to be more productive. This, in turn, can strengthen the company's financial position and reduce the need for layoffs, potentially lowering the unemployment rate. When employees fear losing their jobs, they may be less inclined to seek new opportunities or demand higher wages. This can lead to reduced employee turnover and, consequently, a lower unemployment rate.

Nonetheless, it is important to recognize that overly stringent disciplinary measures and the constant threat of dismissal can foster a toxic workplace atmosphere. This environment may lead to higher employee turnover, escalate stress levels among staff, and reduce overall productivity, potentially contributing to an increase in the unemployment rate over time. When the threat of dismissal is significant, employees may be less inclined to take risks by transitioning to new jobs, reducing workforce mobility and potentially leading to an inefficient allocation of labor resources. In countries with strong legal protection against unfair dismissal, including Kazakhstan, the threat of job loss may be less significant, which could contribute to a higher unemployment rate, as it may be more difficult for companies to terminate ineffective employees.

The influence of various aspects of legal regulation on unemployment rates and labor market dynamics has been examined in prior studies. These studies indicate that the connection between comprehensive labor legislation and unemployment rates in developed countries is not straightforward, with no clear positive or negative impact being consistently observed. However, certain specific elements of labor regulation might contribute to lower unemployment. For example, regulations related to working hours could impact unemployment by facilitating better work distribution and enhancing productivity. Similarly, laws concerning worker representation may positively affect employee motivation and morale, potentially reducing unemployment. Evidence indicates that labor laws can align with increased efficiency at the firm level and improved macroeconomic performance [5].

Additionally, there is substantial information about the relationship between stringent legislation regarding the termination of employment contracts at the employer's initiative and effective economic growth. In particular, research has concluded that innovations at the firm level are influenced by laws regulating the ease with which firms can dismiss their employees. Research

utilizing patents and inventions as indicators of innovation, alongside a time-variant index of dismissal laws, has shown that in the United States, dismissal laws with non-burdensome termination procedures can encourage innovation (Acharya et al., 2013).

Scientific studies typically find that the unification and strict regulation of labor relations provide greater protection for workers' rights and stability in labor relations [6]. This can contribute to a reduction in unemployment levels and its stabilization. Worldwide, there is growing recognition of the importance of labor regulations in protecting workers from unjust or arbitrary treatment and in promoting effective negotiations between employers and employees. Labor laws are not just imposed by governments or international agreements but are a response to the fundamental dynamics of labor markets and the developmental paths of nations. A notable shift in recent decades is the rise in non-standard employment types, such as part-time, temporary, and seasonal work. As these forms of employment become more prevalent, countries are implementing laws to protect workers in such arrangements, including mandates for equal treatment between part-time and full-time employees, as well as between permanent and temporary agency workers. This trend is observed globally but is especially prominent in Europe [7].

Amid the 2008-2010 financial and economic crisis, numerous EU member states, especially those that hadn't revised their employment protection laws before the crisis—unlike Germany—eased or reduced rules governing individual and collective dismissals. These adjustments were frequently accompanied by modifications to working time policies, atypical employment regulations, decentralization of collective bargaining, unemployment insurance reforms, and overhauls of public services. Additionally, atypical employment rules were reformed in countries like Poland, Portugal, Romania, Slovakia, and Spain. Germany had initiated similar reforms earlier (the so-called Hartz reforms from 2003 to 2005) with significant consequences for increased employment instability and impoverishment of the working population [8]. Other negative changes in legislation included reforms of probationary periods (e.g., in Portugal and Romania). Furthermore, special rules were established for small enterprises (e.g., in England and Spain), which, in general, exempted them from the scope of employment protection laws. Additionally, public services underwent structural reforms as part of the European Commission's austerity program. Collectively, these reforms, along with changes in dismissal and collective dismissal rules, significantly eroded the protective role of labor legislation [9].

However, the expected improvements from these reforms in reducing labor market inflexibility and promoting economic recovery have not been realized. Instead, these changes have led to negative outcomes, such as greater instability and deteriorating conditions for workers [10]. Evidence indicates that relaxing regulations on individual and collective dismissals, along with reforms in atypical employment, unemployment benefits, and public sector restructuring, has resulted in increased layoffs, higher youth unemployment, worsening working conditions, lower wages, and diminished collective bargaining protections [11]. Ramaux (2012) describes this as an "intellectual delay," where persistent neoliberal reforms harm both the economy and the labor market [12]. Barnard (2013) identifies a "pernicious problem with national labor law" driven by conservative governments that used the crisis as an opportunity to advance deregulatory agendas, as seen in the UK, Portugal, and Hungary [13]. This approach, prioritizing employer interests over worker protection, challenges fundamental labor law principles.

The above conclusions of scientific research were developed based on the assessment of the previous global economic crisis that occurred fifteen years ago. The findings indicate that factors such as the legal framework of labor law, the norms of employment regulation, and established practices in worker social protection do not significantly influence how negative economic conditions are addressed. Instead, the effectiveness of legal regulatory measures is the key factor [14]. At the same time, labor law liberalization during crises leads to negative social consequences in the labor market, such as an increase in unemployment.

Studies like "The Impact of Labor Legislation Liberalization on the Quality of Work Life (as exemplified by Russia and Kazakhstan) and others indicate that labor law liberalization often results in increased labor market flexibility. However, it can also contribute to employment instability and the growth of temporary or informal employment, potentially leading to increased unemployment [15].

Thus, it is reasonable to conclude that, within the 32 years of Kazakhstan's independence, the liberalization of labor law has been linked to a rise in the unemployment rate. In contrast, codification, standardization, and the implementation of strict regulation of labor relations have been accompanied by a significant decrease in the unemployment rate and its stabilization. Therefore, enhancing disciplinary responsibility should not be viewed as an isolated factor affecting the labor market. Its impact is mediated through various mechanisms, where labor discipline and measures to prevent counterproductive workplace behavior play a significant role, but are not the only aspects influencing the labor market [16].

One aspect of the problem we are analyzing is focused on studying the relationship between labor discipline, terminations, and cases brought to labor courts. Based on the data, this study provides an analysis of how these factors influence each other and identifies key patterns and trends. Labor discipline, terminations, and legal proceedings related to labor issues are crucial aspects of the labor market's functioning. The interconnection between these elements can offer valuable insights for employers, employees, and legislators.

Under the Labor Code of the Republic of Kazakhstan, if disputes occur between an employee and employer over disciplinary actions, the employee is entitled to resolve the issue by first approaching the conciliation commission, which handles individual labor disputes, and subsequently, if necessary, the court.

The Constitution of Kazakhstan guarantees the right to judicial protection, including in the field of Social - labor relations. Challenging disciplinary measures is one of the common types of legal disputes, as well as demands considered by conciliation commissions.

The study was conducted based on the analysis of data collected from various sources, including statistical data, labor inspection reports, and judicial statistics. The analysis covers data from the 10 years and includes both quantitative analyses.

For the purposes of this section of the research, we used data from the Committee on Legal Statistics and Special Records of the General Prosecutor's Office for a nine-year period, from 2015 to 2023, regarding the work of first-instance courts on claims related to social-labor disputes. However, the statistical reporting form (Form 2 Report on the Consideration of Civil Cases by First Instance Courts) does not provide for a separate account of the details of claims related to challenging disciplinary measures. This circumstance necessitated working with the available materials and using them as the primary data source. A labor dispute refers to any formal request made to the appropriate judicial authority during the reporting period to address conflicts between an employee and an employer, including former employees. These disputes pertain to issues concerning the application of labor laws in the Republic of Kazakhstan, the execution or modification of agreements, labor or collective agreements, and the employer's regulations [17].

However, the available data allowed us to conduct a comparative analysis of the number of disputes and the dynamics of the content of Kazakhstan's labor discipline legislation, which shows the following results.

Firstly, enhancing the legal framework for labor discipline and providing detailed guidelines for disciplinary actions did not result in a decrease in the number of court cases.

Secondly, over the long term, stringent regulation of disciplinary penalties tends to increase the frequency of cases related to unfair dismissal and challenges against disciplinary measures.

Thirdly, in the context of Kazakhstan's conditions and practices, there is no strict correlation between the severity of disciplinary measures and the frequency of appeals to the court.

Fourth. Most often, appeals to the court to challenge the application of disciplinary penalties and for reinstatement at work are related to the non-compliance with the procedures for applying disciplinary penalties, including termination initiated by the employer.

Fifth. Our research has shown that court decisions on appeals against disciplinary penalties often influence subsequent personnel management practices in companies, affecting how employers address labor discipline issues. In other words, judicial practice and its corresponding reviews become benchmarks for the application of labor legislation in enterprises and institutions.

Our study highlights the importance of compliance with labor legislation and fair treatment of employees to prevent legal disputes. To reduce legal disputes, it is necessary to strike a balance between the severity of disciplinary measures and the protection of worker's rights. The research findings can be used to develop more effective human resource management strategies and improve labor legislation.

Conclusion.

Kazakhstan's labor legislation governing disciplinary responsibility has undergone several stages of reform since the country gained independence. These legislative changes reflect significant shifts in the state's approach to disciplinary responsibility and mirror the country's socio-political and economic development.

The first stage, from 1991 to 1999, was marked by the dismantling of the planned socialist economy and the transition to a market economy. During this period, the country's economy experienced stagnation. One of the priorities of state policy was the necessity to establish the institution of private property as a fundamental element of market relations. The state adopted privatization of state property as a tool to achieve this goal, which was the only existing form of property involved in economic activities at that time. As a result, the structure of labor relations underwent a substantial shift: rather than having a single state entity as the sole employer, new property owners emerged who also took on the role of employers. Wage labor lost its mandatory characteristic of collective organization, professional unions began to rapidly lose their previously held positions, and the regime of legality in labor relations was not fully ensured. During this period, labor discipline was regulated by the Labor Code of the Kazakh SSR (established by the Law of the Kazakh SSR dated July 21, 1972. Repealed by the Law of the Republic of Kazakhstan dated December 10, 1999, №494), which was characterized by relative leniency towards labor discipline and disciplinary offenses by workers, as well as formalism in enforcing discipline rules. Paradoxically, this state of legislation contributed to the liberalization of wage labor and the involvement of a significant number of citizens in labor relations under new ownership.

The second stage, from 2000 to 2006, is characterized by macroeconomic and political stabilization and economic growth. During this period, the Law of the Republic of Kazakhstan of December 10, 1999, №493 "On Labor" was in effect, which was the most liberal basic labor law in the entire legal history of Kazakhstan. The new conditions for the formation of new property owners and new labor relations required the creation of maximally comfortable conditions for employers, including in terms of freedom to terminate employment contracts and impose disciplinary responsibility on employees. The primary aim of the "On Labor" Law was to facilitate the shift from socialist labor regulations, which were based on strict state control and a predominant state employer, to a new labor framework better suited to the emerging market economy. During the initial stages of transitioning to a market economy, capital accumulation, and privatization of state assets, introducing another law could have impeded the development of a capitalist economic structure in the country.

The third phase, from 2007 to 2015, was marked by the implementation of the first Labor Code of the Republic of Kazakhstan on May 15, 2007, №251-III, alongside a period of extensive economic and political stabilization. Crafting this Labor Code involved a complex challenge: balancing the creation of a legal framework that allowed for the self-regulation of labor relations

with minimal state intervention while also maintaining the high level of legal protection and labor rights guarantees previously ensured by the state.

The 2007 Code introduced several significant innovations, including the establishment of social partnership institutions, principles, bodies, and collective bargaining mechanisms. It also brought changes to wage regulation and standardization, as well as improvements in guarantees and compensations. Notably, the Code included detailed provisions on labor rights and protections. At the time of its adoption, this codified law was viewed as transitional, aimed at supporting the country's economic development during a critical period of transition. It sought to balance the interests of workers, employers, and the state while ensuring substantial social guarantees for workers.

The fourth phase, from 2016 to the present, is marked by the implementation of extensive social, political, and economic reforms, alongside economic growth. These reforms necessitated a more adaptable approach to labor regulation to encourage both large and small employers to advance their businesses and maintain existing jobs. The emphasis on maintaining high levels of social guarantees for workers was viewed as a hindrance to innovative economic development, limiting the growth of the labor market, the creation of new jobs, and effective employment opportunities.

The 2007 Code, which primarily focused on large traditional enterprises, was found to be inadequate for modern needs and did not address the emergence of new, diverse forms of employment. Consequently, the current Labor Code of the Republic of Kazakhstan was enacted during this period. This new Code introduced a more flexible and dynamic approach to labor regulation, emphasizing collective bargaining while still preserving the state's legislative and supervisory roles to ensure a baseline of social rights and enforce compliance with legal standards. The institute of labor discipline became more regulated, the requirements for its compliance increased, and the power of the employer, which includes the dismissal of employees who have committed disciplinary offenses, got expanded. The new strict legislation on labor discipline and corresponding practice, reflecting a management style with high commitment, had a limited impact on the number of labor disputes over unfair dismissals and the application of disciplinary sanctions.

Our study provided an opportunity for an in-depth comparative analysis of the number of labor disputes and the evolution of the content of Kazakhstan's legislation on labor discipline, revealing several key observations. The tightening of legal regulation in the field of labor discipline and the detailing of procedures for applying disciplinary measures did not lead to a decrease in the number of legal claims. In the long term, strict norms regarding disciplinary punishments lead to an increase in the number of legal cases related to challenging unfair dismissals and disciplinary sanctions.

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ЕҢБЕК ТӘРТІБІ ЖӘНЕ ЕҢБЕК НАРЫҒЫН РЕТТЕУ ҚЫЗМЕТІ

Андатпа.

Бұл зерттеудің мақсаты Қазақстандағы еңбек нарығының ағымдағы жай-күйін талдау ғана емес, сонымен қатар ағымдағы проблемаларды, елдегі еңбек нарығының тұрақты дамуы үшін әлеуетті мүмкіндіктерді де ескере отырып, еңбек саясатын оңтайландыру бойынша ұсыныстар беру болып табылады. Жұмыссыздық статистикасын, заңнамалық өзгерістерді және сот тәжірибесін талдауды қоса алғанда, кең ауқымды деректерге сүйене отырып, біз еңбек тәртібі мен нарық көрсеткіштері арасындағы корреляция мен себеп-салдарлық байланыстарды анықтауға тырысамыз. Бұл зерттеуде еңбек дауларының саны мен еңбек тәртібі туралы Қазақстандық заңнаманың эволюциясы туралы егжей-тегжейлі салыстырмалы талдау ұсынылған. Негізгі бақылауларға қатаң тәртіптік нормалар мен жұмыссыздықтың төмендеуі арасындағы байланыс, сот практикасының еңбек тәртібіне әсері және сот дауларының алдын алу үшін қатаң тәртіп пен әділ көзқарасты біріктіру қажеттілігі жатады. Алынған нәтижелер Қазақстандағы еңбек нарығының тұрақты дамуын қолдау мақсатында еңбек саясатын оңтайландыру үшін құнды ақпарат береді.

Негізгі сөздер: жұмыскер, жұмыс беруші, еңбек, еңбек құқығы, еңбек шарты, еңбек қатынастары, еңбек даулары.

ТРУДОВАЯ ДИСЦИПЛИНА И ДЕЯТЕЛЬНОСТЬ ПО РЕГУЛИРОВАНИЮ РЫНКА ТРУДА

Аннотация.

Целью данной статьи является не только анализ текущего состояния рынка труда в Казахстане, но и предложение рекомендаций по оптимизации трудовой политики с учетом как текущих вызовов, так и потенциальных возможностей для устойчивого развития рынка труда в стране. Основываясь на широком спектре данных, включая статические показатели уровня безработицы, изменения законодательства и анализ судебной практики, мы стремимся выявить корреляции и причинно-следственные связи между трудовой дисциплиной и рыночными показателями. В этом исследовании представлен подробный сравнительный анализ количества трудовых споров и эволюции Казахстанского законодательства о трудовой дисциплине. Ключевые наблюдения включают взаимосвязь между строгими дисциплинарными нормами и снижением безработицы, влияние судебной практики на трудовую дисциплину и необходимость сочетания строгой дисциплины и справедливого отношения для предотвращения судебных споров. Полученные результаты дают ценную информацию для оптимизации трудовой политики в целях поддержки устойчивого развития рынка труда в Казахстане.

Ключевые слова: работник, работодатель, труд, трудовое право, трудовой договор, трудовые отношения, трудовые споры.

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