

Fraction as a Legal Form of Activity of the Parliament of the Republic of Kazakhstan (Taking into Account the World Experience)

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Abstract

Background/Objectives: This article will discuss the formation of the political system and the parliamentarism in Republic of Kazakhstan, revealing the formation and development stages of factional struggles in the world practice. **Methods/Statistical Analysis:** Comparative, systemic, structural-functional and sociological methods. **Findings:** The legal framework of parliamentary factions activity in Kazakhstan is built based on a combination of legislative, regulatory and internal (corporate) standards, however, there is a certain lack of legislative regulation, which is fulfilled by regulation and corporate norms, as well as political habits that are formed in the course of parliamentary activities. The need for more detailed legislative regulation is determined by special role of parliamentary factions in the social and political life of Kazakhstan, the necessity to develop common legal approaches to the regulation of political representation of parties at the state and local levels, the expediency of bringing to the discussion and solution of this issue not only deputy corps, but also other subjects of the legislative process. **Application/Improvements:** Rule-making, practical activity, and educational process.

Keywords: Deputy, Fraction, Parliament, Party, Political System

1. Introduction

The formation of social and political organizations in Kazakhstan dates back to the convocation of the State Duma by the manifesto of Nicholas II of October 17, 1905. It also created a special commission, which developed the project of the State Duma elections. According to the election law, each county had its representative in the State Duma, the total number of 10 members. From this point, political and legal figures of Kazakhstan break new ground. At the end of 1905 the member of the Central Committee of a Russian party A. Bukeikhanov put forward the idea of creating a "Kirghiz (Kazakh) Constitutional Democratic Party", in order to form a national language, to preserve the culture and protect lands from colonization. But, despite this, Kazakhstan gradually lost its independence being a

colony of Russia. Kazakh people had been cornered by the royal power. Different movements began to form, different organizations of the Kazakh liberal community opposed the colonial policy of tsarist regime. Subsequently a political party "Alash" appeared. The first political formations on the territory of Kazakhstan were aimed at the preservation of the Kazakh culture and of the Kazakh people. Thanks to the national liberal community of the time, we managed to preserve our language, our culture and even the nation as a whole.

In the early years of Kazakhstan independency national associations began to form. The first was a movement "Nevada - Semipalatinsk" (February 1989) at the initiative of O. Suleimenov. Since May 1990 numerous organizations were created aimed to revive and protect the Kazakh national culture and language, and the first national parties

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and movements “Alash”, “Zheltoksan”, “Azat”, “Cossack movement” were formed.

The movements and unions operation in the mid 1990s contributed significantly to the establishment of the sovereignty of Kazakhstan and the formation of a two-chamber Parliament. Parliamentary elections were held according to party lists, which led to the formation of fractions. The plain fact of the party program to transfer into the parliamentary activities is natural and useful, because it is the choice of voters.

2. Materials and Methods

The institution of a fraction is a completely new legal phenomenon for Kazakhstan. The legal basis for their operation is the Constitutional Law of October 16, 1995 “On the Parliament of the Republic of Kazakhstan and the status of its deputies”, article 34 of which formalized the following provision: “MPs have the right to establish deputy associations in the form of fractions of political parties and other public associations, deputy groups”¹.

If we talk about the formation of the institution in general, it should be noted that its historical roots go back centuries. The Roman Senate can serve as an example, which structure involved prototypes of modern deputy fractions formed on the basis of political belief of the Senate groups’ members. Even three and a half thousand years ago, people’s representatives united in organized groups, with the aim of defending their interests and the interests of the voters. Formation of parliamentary groups was directly related to the emergence and development of political parties in Europe and the USA at the beginning of the XIX century². The first groups of deputies emerged spontaneously and were based on the shared political attitudes. Over the time, legal regulation of parliamentary associations was required, therefore constitutions, laws, regulations of representative bodies started to provide for certain rights and opportunities of parliamentary groups³.

It should be clarified as follows: A political party is a public organization that is integrated into the relations of power system, whereas a fraction is a party and political association created within the legislative body. The party is created for long indefinite period, while its fraction activity is strictly time limited by its elected term.

In international practice, fractions, i.e., party association of deputies, in most cases, are called parliamentary groups, there are also other names. In Germany its name

is classical - a fraction, in France, Italy and other countries fractions are called parliamentary groups. In the UK they are officially named parliamentary parties. In Austria, Poland, Croatia they are party clubs⁴. Sometimes two names are used: For example, the party fractions and deputy groups. This may mean different things. For example, a party fraction is composed of deputies elected on the lists of the same party and represented this party in the Parliament. A deputy group is, for example, the association of deputies, which was formed after the elections, say, from non-party deputies or deputies quitting the party fractions.

In the literature you can find many definitions of a deputy fraction. Latin «fractio» means breakage, English «group, fraction» is 1. An organized group of members of a political party conducting its policies in Parliament, local government, public organizations; 2. An isolated part of the political party, which has its own platform.

According to⁵ fraction as a part of the party advanced to the sphere of state-power relations, shall be as much independent as to be able to bring the heat of the inter-party struggle outside the Parliament^{4,5}. Autonomy of a deputy association from a political party should be reasonably limited in order not to destroy the program and organizational and political unity of the party and its deputy association.

The Constitutional Law “On the Parliament of the Republic of Kazakhstan and the status of its deputies” uses the term fraction, which is understood as an organized group of deputies representing political parties registered in accordance with the legislation, which is created in the Majilis with the purpose of expressing the interests of the political party (paragraph 2 Article 34).

Thus, the parliamentary fraction is an association of deputies of one of the political parties registered in accordance with the legislation, passed the seven percent barrier in elections, created to express the interests of political parties in the functioning of the Parliament.

3. Results and Discussion

Let us consider the formation of fractions. In some foreign countries the group of MPs, members of one political party, organized for daily carrying out political line and program of their parties through Parliament and the government, headed by the party leader in parliament. In those countries where parliamentary fractions

are officially recognized the parliamentary regulations stipulate conditions for their formation. For instance, the Bundestag parliamentary fraction recognizes a group of at least 15 people belonging to the same political party. Both the majority parties and the minority parties (opposition) have the parliamentary fractions. A special place in the parliaments of bourgeois states (such as France, Italy, Japan) is taken by the Communist parliamentary fraction. The Communist deputies expose the policy of the ruling classes from the parliamentary speaker's stand, have a significant influence on the formation of parliamentary government, on the legislative process.

In some socialist countries, there were several parties (the German Democratic Republic, Poland, Hungary, etc.), there were fractions or groups in the supreme bodies of party representation. In the GDR, it was a common practice to create parliamentary fractions for not only the political parties, but also for the mass public organizations of the working people.

The rules of the chambers in details regulate the order of formation of party fractions. In some cases, the procedure and method of forming fractions is very simple and is not restricted. For example, in the Netherlands one member can declare himself a fraction, if he/she is the only representative of a party in the chamber. In other countries, there may be the formal requirements for the formation of a fraction. For instance, according to the requirements of the German Bundestag rules, it is necessary that a fraction comprises MPs who are members of one party, it must have at least 5% of the total composition of the Bundestag, i.e., at least 25 deputies.

The rules of other parliaments also regulate these issues. For example, the rules of the Austrian Parliament - the National Council - provides that a fraction can be formed with a minimum of 5 members.

By the way, this minimum may be different for the upper and lower chambers. For example, 14 senators are needed to unite for the formation of a fraction (parliamentary group) in the French Senate and 30 deputies for the French National Assembly. For the formation of fractions in the Italian Senate there must be 10 Senators and 20 deputies for the Chamber of Deputies.

Many countries do not require any powerful evidence of a party affiliation. United deputies can call themselves a fraction or party members. Some fractions can involve the so-called "guests" - MPs of the party sympathizers. These "guests" are sometimes taken into account in dealing with

some issues and in some cases they are not included. So they are not included into the minimum required to form a fraction, they complement fraction after its formation.

Why are such things, so fastidiously regulated in many countries? The case is due to the fact that in the majority of cases fractions are endowed with wider powers than one member or two or three deputies who are not formally united. Fractions are involved in the formation of the governing bodies of the chambers. For example, candidates in the election of the speakers, their deputies, heads of committees and commissions, are proposed by party fractions.

The commissions and committees of the chambers are usually formed on the basis of proportional representation of the fractions, and large fractions usually have greater representation in the commissions and committees. Fractions have a great influence on the work of the chamber. They submit items on the agenda, they are guiding the discussions and debates, voting takes place by fractions in some parliaments (e.g., the Netherlands), i.e., the voting fraction leader rises and announces if a fraction votes "for" or "against". Therefore, the issue is solved, as a rule, in advance, and voting is fast and almost formal.

According to some researchers deputy fractions are created based on two criteria - the party and numerical. Party criterion is widely recognized in most countries where parliament is formed on a multiparty basis. It is institutionalized in parliamentary rules, less often - in the Constitution or in a special law. For example, in accordance with §10 of the Rules of the German Bundestag "fractions are associations of deputies belonging to the same party or parties which have common political goals, do not compete with each other in any of the lands"^{6,7}. § 64 of the Rules of the National Council of Slovakia says "MPs can unite in deputies' clubs in accordance with the membership of political parties, political movements or electoral coalitions, on the part of which they were elected"⁷. Other - non-political - criteria are prohibited for the creation of parliamentary fractions on a regional, professional, religious, national (ethnic) or other similar basis, contributing to the transformation of Parliament into an arena of struggle between various groups of lobbying character, defending primarily their narrow group interests. Article 16 of the Rules of the National Assembly of Bulgaria says "Parliamentary groups defending private, local and professional interests cannot be created"⁸. Such

prohibition is contained in the rules of parliaments in other countries (Armenia, Georgia, Ukraine, France).

A numerical criterion for the formation of the parliamentary fraction means that there is a certain minimum number of MPs affiliated to one party. Parliamentary legislation in modern countries is very varied on this issue, since in practice it is required to consider many different factors that are specific to each country in order to establish such a criterion (one has to take into account peculiarities of the current party system; the current electoral system, ensure the Parliament efficiency as its excessive fragmentation cannot be permitted, and at the same time the interests of all parties represented in Parliament shall also be taken into account). This criterion is provided either by the establishment of a certain minimum number of deputies (20 deputies in the French National Assembly and 10 in the Senate, 5 deputies in Austria and Switzerland, etc.) or by the establishment of a certain percentage of the total number of chambers (5% in German Bundestag). Sometimes a minimum for the formation of fractions is not set and any independent party, which received more than one mandate, has the right to set up a parliamentary group (Armenia, Portugal).

Russian legislation has significant specificity considering the issue of criteria for the establishment of structural party formations in Parliament, and their number. Regulations of the State Duma of January 22, 1998 (with subsequent amendments) as at March 20, 2002 provides for the establishment of the two kinds of deputy groups in the Chamber - fractions and deputy groups (Article 16). The grounds and criteria for their formation are different despite the equal legal status. A fraction is formed on the basis of an electoral association, elected to the State Duma from the federal electoral district, as well as deputies of the State Duma, elected from single member electoral district and opted to participate in the work of the deputy association. The fraction is registered regardless of the number of its members. Deputies of the State Duma, which were not included in the fraction has the right to form a parliamentary group. A group of at least 35 deputies of the State Duma is subject to registration. Analysis of the provisions of the Regulations leads to the conclusion that there is no criterion of party affiliation during the formation of deputy groups in the House. Instead of a political party "electoral association" acts as a basis for such formation, it is a referential concept, which is defined in the modern Russian electoral law as

"all-Russian political public association (political party, other political organization, political movement), which was created and registered in the Ministry of Justice of the Russian Federation in the manner prescribed by federal law. The political public association or amendments and additions to the charter of the public association in order to give it the status of a political public association must be registered no later than one year before the voting day" (Article 32 of the Federal law of 1999 "On election of deputies of the State Duma of the Federal Assembly of the Russian Federation")⁹.

A certain gap in this approach is obvious, even with the tightening of the Russian electoral legislation regarding the admission to the election only all-Russian political public associations, and in the future - only political parties. In fact, now the Regulation does not exclude the possibility of the fractions of the non-party (private, professional) basis. This provision is even more obvious for the creation of parliamentary groups from among the deputies, not included in fractions. Given the fact that not only the electoral associations have right to nominate candidates in single-member districts, but also members of the public themselves (as self nominated), in practice it leads to the election of a significant number of deputies of the State Duma not on a political basis, but due to their professional, social and other personal characteristics. A good example of this is the following parliamentary groups in the third State Duma: "Agro-industrial deputy group", the group "Regions of Russia (Union of Independent Deputies)", the group "People's Deputy"; informal fractional groups (Agrarian Party, trade union group "Solidarity", the group "Energy of Russia", Group "Siberian Agreement", the deputy group of women, the group "Friendship of peoples is the unity of Russia", the group "Border of Russia"), as well as non-fractional deputies.

In addition to the establishment of the party and the numerical criteria, formation and activity of a deputy association have other important procedural aspects. First of all it is the order of creation and termination of a deputy association (liquidation or reorganization in the form of a merger, acquisition and allocation). As a general rule, an association of deputies is formed in the registration procedure. Registration itself is carried out by the chamber secretariat. According to Article 17 of the Rules of the State Duma, Temporary Secretariat of the State Duma registers a fraction.

Grounds for registration are:

- The Central Election Commission of the Russian Federation report on the results of elections of the State Duma deputies of the federal electoral district from the corresponding electoral association.
- A written notice of the head of the fraction on the formation of fractions.
- A fraction organizational meeting protocol, including a decision on the order of its formation, its official name, payroll, as well as persons authorized to act on behalf of the fraction, and to represent it at meetings of the Chamber, in the state bodies and public associations.
- A written statement of the State Duma deputies to join the fraction.

The Parliament may have other bodies and structural parts, in addition to commissions, committees and parliamentary fractions. In some countries, for example, there are special parliamentary control bodies: Auditors, controllers. There is a post of ombudsman, or “public defender”. This post was first established in Sweden. The main task of the Ombudsman is to monitor the activities of administrative bodies (such as the police for example). At present the institution of Ombudsmen has been developed, they are often called human rights commissioners and their competence enhanced. These commissioners are elected by the parliaments, in some cases they have considerable staff and are a kind of a special body to deal with complaints. Citizens address there if they have disputes with government agencies, with bodies that can somehow abuse their rights.

Parliaments create the so-called Audit Chambers or Commissions. Their task is to verify the compliance with the articles of the budget. Some parliaments create other supervisory bodies or appoint special officials. For example, the German Bundestag has authorized representative for defense and the army.

There are “Councils of Elders” in some Parliaments. In Germany, the Council of Elders is composed of the President of the Bundestag and his deputies and several members of fractions in proportion to the number of fraction members: A large fraction delegates more of its members to the Council of Elders. The powers of the Council of Elders are quite specific. They are engaged in organizational problems: Helping the President of the Chamber to deal with Chamber, conducting or arranging talks between fraction about personal appointments

and elections, they are involved in the agenda development; they can generate internal acts of Parliament (e.g., the regulations of the committees and commissions) and solve a number of other issues. This is an important subsidiary body. Except for the name “Council of Elders” there are other names: Bureau, General Committee, etc. These bodies are created for the organizational help of the deputies and the leaders of the chamber.

In countries with a significant number of deputies in the chamber, major party fractions can create their small special commissions or committees within the fraction in addition to the general parliamentary commissions and committees. They prepare questions for the work of parliamentary commissions and committees; make fraction policy on defense, youth, labor, etc. There are such entities in Germany, for example.

It should be noted that there are two models of relations within the parliamentary fractions. These are British and American models. The British model means very strict discipline and deputies’ conformation to party solutions. American model means a considerable freedom of the deputies and the weak party discipline, although situations may be different. These systems have developed historically. British (Canadian, Australian, and others) specific characteristic is explained by the fact that in such a system the Parliament is actually subordinate to the government and plays the role of the legislative body affiliated to the Government. In the US Congress is a very strong independent body, and the congressmen and senators feel independent. Naturally, members of the same party will agree on their positions, but they are bound by party discipline not very hard¹⁰.

It is very simple to create parliamentary fractions in Kazakhstan. Constitutional Law “On the Parliament of the Republic of Kazakhstan and the status of its deputies” contains certain requirements for the creation of fractions: A minimum number of fractions of a political party is determined by the Regulations of the Majilis of the Parliament; MP may belong to only one parliamentary fraction; deputies of the Majilis can be included in the fraction.

The first requirement is aimed at ensuring a more or less weighty political force in the highest representative body. Establishing a minimum number of the group members is necessary to create parliamentary associations of great importance which are practically able to push through their decisions, and not to rate false privileges.

International experience on the fraction size is characterized by lack of a clear approach. In the Netherlands, even one deputy may form a fraction if he/she is the only representative of the party in the Parliament. In other countries, this question is not solved by law. So, in the Rules of the National Assembly of Armenia it is said that MPs included in the electoral lists of the party or electoral associations form fractions of the same name after the elections under the proportional system, regardless of the number of MPs.

And according to the Regulations of the German Bundestag only the deputies who are members of a common political party can form a fraction. Quantitative value is at least 5% of the total number of the Bundestag, which is at least 25 deputies. In the State Duma, this figure is 7.8% - 35 people, 5 members in the National Council of Austria.

Fractions of political parties are registered by the Bureau of the Majilis without prior arrangement, it is for informational purposes only. To register a group the Majilis Bureau is sent a written notification, defining the name, objectives, structure and persons authorized to act on behalf of the fraction and to represent it at meetings of the Parliament, Chambers, commissions, state bodies, political parties and public associations. The Bureau of the Majilis provides information about the members of a fraction to the MPs and the media. In case if there becomes less than ten members of fraction, it ceases its activities.

At the XI Congress of the Party "Nur Otan" Nursultan Nazarbayev noted the importance of parliamentary fractions in the Parliament of the Republic of Kazakhstan: "We already live and act in a new political reality" when parties are effectively integrated into the political system of the country.

In his speech at the International Conference Vice-Chairman of the Majilis of the Republic of Kazakhstan B. Zhumagulov said: "The convincing victory" of "Nur Otan" Democratic People's Party in the elections to the Majilis and maslikhats of all levels, indicates that the people of Kazakhstan adopted and supported the constitutional reform. This imposes a huge responsibility upon our party, and the deputies clearly understand it. Consequently, another responsibility is down on the party "Nur Otan" – it is methodologically to unite the whole system of representative bodies, broadcast at the local level new approaches that we are working at in our fraction in the Parliament. This is a large scope of tasks

largely overlapping the issues discussed at the conference. Therefore, with respect to our terms we should talk about the transition to parliamentary or representative, mode of operation in a broad sense - and the central and local authorities"¹¹.

Of course, the key work of the party that won the elections is the work of the parliamentary fraction. It achieves the main goal - to implement the Party's program and fulfill pre-election promises.

The world experience shows that the ruling party has as a rule a twofold task: It is necessary not only to create a legal basis, but also to ensure efficient interaction between the deputies and the whole vertical of executive powers. It uses a set of mechanisms. First of all, it should be noted the party discipline within the fraction. It ensures that the party's policy for which it is responsible to the voters is smoothly implemented into the legislative activity. In some countries, the mechanism of party discipline even extends to the executive power. Most researchers also believe that the party representation is one of the democratic ways of organizing the activities of Parliament. It allows you to coordinate the activities of individual members, to bring together their attitudes and views as much as possible, to ensure the principle of fairness in decision making.

Proper functioning of parliamentary fractions depends on proper legal regulation of their activities.

Some modern Western political scientists criticize in their works the parliamentary system and believe that the institution has fulfilled its historic mission and must leave the stage¹².

In Kazakhstan, the constitutional provisions on the status of deputy fractions are more fully developed in the Constitutional Law "On the Parliament of the Republic of Kazakhstan and the status of its deputies", the rules of Parliament and its chambers, the Party Rules and Regulations on a fraction. In particular, these acts detail the establishment, operation and termination of deputy fractions in Parliament.

Deputy fractions are involved in setting the agenda of the Chambers, submit proposals on the priority of certain bills consideration. In some countries, for example, the Netherlands, the vote in Parliament is carried out by fractions. That is, when the head of a fraction stands up and announces if the fraction votes "for" or "against". There are also states where fractions form a Government. Thus, the leader of the fraction, which has a majority in Parliament, becomes prime minister in the UK¹³.

The law “On political parties” of July 15, 2002 establishes the legal basis for the creation of political parties, their rights and responsibilities, activity guarantees, regulates relations of political parties with government agencies and other organizations.

The Rules of Majilis regulate most of the fraction activities. However, in some countries there are special laws regulating their activities. For example, legal status, the order of creation and functioning of the fractions in Georgia is regulated by the Law “On the parliamentary fractions”, in Ukraine by the Regulation “On the parliamentary groups (fractions) of the Verkhovna Rada of Ukraine”, in Switzerland the law “On parliamentary fractions and its secretariat”¹⁴.

But most important is that in some countries the institution of a fraction is constitutionally recognized as it is entrenched in the norms of the Basic Law. The Constitution of the Portuguese Republic (Part 1 of Article 183) states that “the deputies elected from each party or coalition of parties may form a parliamentary group”. A similar norm exists in the Basic Law of Georgia, article 58 of which states that members of Parliament can be combined into fractions, of not less than 10 members¹⁵.

The world experience of functioning and legislative regulation of deputy fractions shows the importance and necessity of their legal formalization. In our country such basis is already laid, but here the question about the volume of the necessary legal regulation arises.

According to the scientist¹⁵, the issue of regulation of the parliamentary fractions was solved through the creation of a model that encourages the formation of parliamentary groups and anticipating the possibility of a natural development of events. This model was developed taking into account the progressive achievements in the practice of parliamentary activity in developed countries. This was reasonable since parliamentary association is a new phenomenon for the Kazakh parliamentary practice, and it is still not enough familiar. Therefore, the existing legal regulation corresponds in general to the level and needs of the social and political development

As it was truly noted by¹⁶ in his speech: “Giving constitutional status of such phenomena as fractions of political parties in the Parliament, must be the basis of a full and comprehensive series of laws governing the rights and obligations of the fractions, the conditions and the procedure for the formation and termination and other important aspects of their operation in the Majilis of the Parliament”.

Legal regulation of fractions primarily starts with the authorization of established social relations, providing legal regulation for them. Second, it is the modeling of the competent authorities of public relations in order to channel them. In this case, the first step of the legal regulation will be the creation of legal norms.

However, the experience of the fractions in the countries which have a relatively long way to the parliamentary system, said that supreme representative bodies at first spontaneously formed informal rules for “the game” in the process of interaction between the various parliamentary groups, and subsequently these spontaneously arising rules governing the activities of these fractions and objectively reflected the alignment of political forces, got a legislative basis. This meant that the State, represented by its competent authorities protected and supported the existing rules of the parliamentary fractions interaction and functioning.

Later new rules were introduced either upon the initiative of fractions or the initiative of the competent authorities in order to modify, revise or cancel spontaneously arisen and legislatively fixed rules governing the activities of fractions. In this case, we are talking about improving the legal formalization of parliamentary fractions. However, this process is again delayed as a rule, usually under the influence of emerging informal rules. Colliding with them, legal norms evolve.

Thus, the legal basis for parliamentary fractions in Kazakhstan is built on the basis of a combination of legislative, regulatory and internal (corporate) standards, but there is a definite shortage of legislative regulation, which is compensated by regulatory and corporate standards, and political usages, emerging in the process of parliamentary activity. Better legal regulation is necessary because of the special role of deputy fractions in the political life of Kazakhstan, the need for developing common legal approaches to the regulation of political representation of parties at the national and local levels; it is reasonable to involve to the discussion and solution of this problem not only deputies, but also other subjects of the legislative process.

A deputy fraction constantly keeps abreast of all the social and political and economical processes in the country. Standard practice is a meeting of a parliamentary fraction with the Prime Minister to discuss the current situation and the actions of the Government to implement the platform of the People’s Party, the Anti-Crisis Program and Road Map.

Control of the targeted and efficient use of budgetary funds allocated for the implementation of anti-crisis measures of the Government is carried out systematically.

During the third session 4 meetings of the parliamentary fractions held in an expanded format with the participation of management and members of the Government, as well as 9 meeting of the Presidium of the parliamentary fraction were devoted to these and other important issues.

Consultative and advisory bodies of the fraction - the Social Council, the Council on Economic Policy, the Council for Relations with public organizations carry out considerable work on the development of cooperation between the legislative and executive branches and civil society.

Social Council was created on October 10, 2007 by the decision of "Nur Otan" fraction in the Majilis. Its main objectives are the continuous analysis of the social sphere, monitoring of the implementation of decisions to realize the program documents of "Nur Otan" party, the development of proposals on the main directions of social and gender policies to develop proposals for coordination of representative and executive branches, political parties and other institutions of civil society to address social issues.

One of the important activities of the fractions is their right to take part in the creation and formation of the governing bodies of Parliament and its Chambers. In addition, Articles 10, 25 and 26 of the Rules provide for a procedure of agreement of the personal composition of the Bureau of the Chamber between the chairmen of the fractions^{17,20}.

Another sphere of influence on the functioning of Parliament is fraction participating in determining the agenda of the plenary session of Parliament. For example, in Bulgaria the agenda of the meeting of the Assembly is formed by the Bureau after consultation with the leaders of parliamentary groups. Consistent with them or compiled with their participation agenda of the session gets adopted by the meeting with less difficulty, and internal fraction discipline prevents many disputes about it¹⁸.

In Italy, the agenda of the Chamber meeting shall be approved at a conference of chairmen of parliamentary fractions, convened by the chairman of the Chamber. In case of objections from at least one fraction, the draft agenda is brought up to the discussion of the Chamber.

As a rule, a fraction organizes its inner life on its own. In the practice of modern states one can observe the cre-

ation of the governing bodies and the establishment of some kind of corporate rules of conduct of its members. Basically, the general meeting of the fraction of deputies is recognized as the governing body and have different names: the conference, meeting, caucus. At these conferences the fractions resolve key organizational issues concerning the fractional discipline, support of certain bills, etc.

In Kazakhstan parliamentary fractions operate a relatively short period of time. We can say that the legal and empirical basis of fractional activity is still in its infancy.

In some countries, parliamentary fractions are in fact the core and the real top of a party. The leader of the parliamentary fraction is both the leader of the whole party. He/she defines the policy of the Party and represents it in the Parliament.

In the UK, all parliamentary activity is associated with the fractions. The fraction which has a majority in Parliament forms the Government; the leader of this fraction becomes Prime Minister. The second largest fraction forms the official opposition. The leader of the opposition becomes the "Leader of Her Majesty's Loyal Opposition" and heads of the "shadow cabinet".

The top of a fraction can be ideological and procedural. The party leader is always a fraction leader, but a number of fractions has also procedural superiors. In Anglo-Saxon countries, they are called "whips", they follow the order of voting, making sure that the fraction members voted right, did not come late to voting, are counting the votes, inform a fraction members about something if necessary, etc. They are subject to such de facto leader and help him.

The governing body of the fraction is usually the general meeting of the parliamentary group - a conference, a meeting, caucus in America. At these meetings the general direction of fractions is worked out, organizational questions and questions about how to vote on a particular bill are solved. Then, these solutions are steadily implemented. In some countries, the work of the fraction is led (coordinated) by a special body. In Germany it is "Executive committee" of a fraction. In France, it is the "bureau", in Sweden there is a "trusted counsel", which is the governing body of a fraction¹⁹⁻²¹.

In most Western countries party discipline within fractions is very strict. If a member does not observe it, he/she is excluded from the fraction. Having lost the support of the party, being "fired" from the party fraction, he/she loses half or more of his/her might. Therefore, the

deputy has to obey if he/she wants to build the political career. Ordinary MPs are often called “backbenchers”, they do not have any real influence with the work of the group. The main way to express themselves is asking questions to members of the government or speak with some interesting idea in the debate.

The main function of the fractions is legislative.

The parliamentary fraction administrative office continuously monitors the legislative work of a fraction to ensure timely provision of the analytical, statistical, reference and other necessary information on the passage of a bill in the Majilis to the party leaders and the members of the parliamentary fraction.

To this end, cooperation has been established between the standing committees and the Majilis.

4. Conclusion

Employees of the parliamentary fraction administrative office attend meetings of the committees, working groups, take part in events organized by the committees, monitor the preliminary consideration of bills in the appropriate committee, timely report on the progress of the Head of the parliamentary fraction.

The parliamentary fraction administrative office carries out legal examination of draft resolutions, notices, statements, parliamentary inquiries, introduced by deputy fractions and members of the parliamentary fraction, recommendations to the Government, which are worked out by the parliamentary fraction following meetings of the parliamentary fractions and the “government hours”.

An important place in the package of the Government legislative initiatives takes national budget for 2009 – 2011 approved for the first time in the history of the country, which takes into account all the orders of the President to raise incomes. The average size of pension payments and salaries of public sector employees increased in 2009 by 25%, they will be also increased by 25% in 2010 and by 30% in 2011. The basic pension payment in 2011 would be adjusted to 50% of the subsistence minimum.

In conclusion, it should be noted that the role of fractions of political parties in the Parliament will increase in the future. It is connected with the democratization of the political system, an increase of the political culture of the elite and the masses, increasing the number and diversity of politics, the consolidation of political parties. In this connection, as a result of the analysis of legal rules

governing the activities of fractions, as we noted above, it is necessary to adopt a special law on the parliamentary fractions, which should cover formation, membership, reorganization and liquidation of a fraction. And in the future it is necessary to solve the question of state funding of political parties with seats in the Parliament of the Republic of Kazakhstan.

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