

# **Materiały konferencyjne**

**reprezentantów Karaganda Buketov University, Kazachstan  
w ramach konferencji *SKUTECZNOŚĆ W BIZNESIE*,  
zorganizowanej w dniu 14.12.2021 r. przez Wydział Ekonomiczny  
Akademii im. Jakuba z Paradyża w Gorzowie Wielkopolskim**

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## TABLE OF CONTENTS

<i>Elena Vechkinzova, Yelena Gordeyeva</i> <b>Methodology for assessing the state and level of use of innovative potential of regional development .....</b>	<b>5</b>
<i>Temirbay Mukashev, Yelena Gordeyeva</i> <b>Financial system of the republic of kazakhstan: institutional conditions and development trends .....</b>	<b>13</b>
<i>Sanzhar Shushayev, Gordeyeva Yelena</i> <b>Development of a model of innovative personnel behavior.....</b>	<b>25</b>
<i>Нұржан М.Ә., Есполова Ж.М., Рахимова А.Н.</i> <b>Formuła potężnego i wydajnego biznesu .....</b>	<b>29</b>
<i>Kuttybaeva Nurgul, Sabitova Diana</i> <b>Planning as an enterprise management tool in modern conditions .....</b>	<b>33</b>
<i>Kuttybaeva Nurgul, Kussainova Sholpan</i> <b>Application of project management methods by industrial enterprises in the context of digitalization of the economy .....</b>	<b>39</b>
<i>Nurgul Kuttybaeva, Gulnur Raihanova</i> <b>Conceptual approaches to the integration of national economies and their industries into the world economy .....</b>	<b>51</b>
<i>Nurshuak Khassenkhanov, Zhanibek Zhartay</i> <b>The current state of the tourism industry of the Republic of Kazakhstan .....</b>	<b>59</b>
<i>Akmolda M.N., Eskendir N.N.</i> <b>Features of business investment in a pandemic .....</b>	<b>65</b>
<i>Mazina Ainur</i> <b>Economics of energy efficiency in developing countries .....</b>	<b>71</b>

*Sitenko D.A., Holienka M.*

**The development of academic entrepreneurship and the evolution of models of innovation..... 79**

*Akhmetova Aidana Bekbolatkyzy*

**Consequences of the impact of the Covid-19 pandemic on the economy of the Republic of Kazakhstan ..... 87**

*Kabdybay A., Kenzhebekov N., Syzdykova D.*

**The strategy of technological development of the mining and metallurgical complex ..... 93**

*Темирбекова Л., Садуакасова М.*

**Человеческие ресурсы как фактор экономического роста..... 107**

*A. Mussabekova*

**Women's entrepreneurship in Kazakhstan ..... 117**

*Joanna Rogozińska-Mitrut*

**Dimension of unilateral shaping of the content of the nominative employment relationship ..... 123**

*Joanna Rogozińska-Mitrut*

**Infringement of employers' personal rights in the internet..... 141**

Elena Vechkinzova<sup>1</sup>,  
Yelena Gordeyeva<sup>2</sup>

# METHODOLOGY FOR ASSESSING THE STATE AND LEVEL OF USE OF INNOVATIVE POTENTIAL OF REGIONAL DEVELOPMENT

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## ***Abstract***

*The innovative activity of enterprises varies by region and depends on the existing innovative potential. The article offers the author's methodology for assessing the state of innovation potential and the level of its use on the example of regions of Kazakhstan.*

**Keywords** – *innovation potential, capacity evaluation, regional development*

## **Introduction**

According to the Global innovation index 2019, formed on the basis of 80 indicators for 129 countries, Kazakhstan ranks 76th in the overall ranking of countries and 26th out of 34 in the group of upper-segment middle-income countries [1]. The efforts of the government of Kazakhstan to join the 50 countries with innovative economies over the past 10 years have not led to the desired results. In this regard, the issue of studying the innovative opportunities of Kazakhstan and the grounds for innovative development of its economy is relevant.

The large territory of Kazakhstan (9th place in the world by area) is highly differentiated by its geographical, climatic and resource composition. Economic and innovative activity in Kazakhstan also varies by region. Therefore, the analysis and assessment of the innovative potential of regions allows us to identify uneven innovation processes and determine the prospects for innovative development of the country's economy as a whole.

## Research methods

Innovation activity in Kazakhstan is understood as a type of activity related to the transformation of ideas into a new or improved product introduced on the market; into a new or improved technological process used in practice; a new approach to social services, which involves a set of scientific, technical, organizational, financial and commercial measures that together lead to innovation [2]. Under the innovative potential, we will understand the opportunities for implementing innovative activities that exist in the form of resources, subjects and objects of research and practical innovation that affect the resulting indicator of innovation - the volume of innovative products (works, services).

In General, the innovative potential of a country is equal to the aggregate of the innovative potential of its regions [3]. Determining the innovative potential of regions will help to identify the problems of resource allocation (factors) of innovation activity in the country and adjust accordingly the economic, industrial, scientific and technical policies to achieve the best results of innovation.

We will determine the specific characteristics of the innovation potential of each region by correlating it with the national average value taken as 100.

The score of the innovation potential of regions is defined as the sum of the characteristics of the innovation potential indicators adjusted for the coefficient of determination, which shows the strength of the relationship of each indicator with the resulting indicator (the volume of innovative products) according to the formula:

$$W_i = \frac{\sum W_{ij} \times d_j}{\sum d_j},$$

where  $W_i$  - assessment of the innovative potential of the  $i$ -th region, points;  
 $W_{ij}$  - points of individual innovation indicators ( $j$ ) in the context of  $I$ -th regions;  
 $d_j$  - determination coefficients that characterize the weight of  $j$ -th innovative indicators (the significance of the considered indicators  $d = r^2 \cdot 100$ ).

The estimated (potential) volume of innovative products is found by constructing a model of multi-factor linear regression that takes into account the real patterns between the factors of innovative potential, which were previously used to determine the innovative potential of regions.

To determine the level of use of the innovative potential of regions, it is necessary to compare the actual volume of innovative products in the country's regions with the estimated potential.

## **Research result**

In accordance with the available statistical information, the following indicators were considered as components of the innovative potential of the regions of Kazakhstan:

- $x_1$  – internal R & d expenditures, million tenge;
- $x_2$  – cost of innovation, million tenge;
- $x_3$  – number of innovative and active enterprises, units;
- $x_4$  – number of organizations engaged in R&D, units;
- $x_5$  – number of employees who performed R&D, people;
- $x_6$  – the number of new technologies and equipment objects created and used, units;
- $x_7$  – the number of issued security documents, units.

The actual values of indicators for 2018 are shown in table 1. As can be seen from table 1, the leaders of innovation performance in 2018 were the Pavlodar region, Shymkent, East Kazakhstan and Kostanay regions. Moreover, these regions are not leaders in any indicator of innovation potential characteristics, except for Shymkent, which is the leader in terms of costs for innovation. In this situation, we can assume a more effective use of factors of innovative potential and the quality of innovation management than in other regions.

The leaders in the number of new technologies created and used are the cities of Nursultan and Almaty. These cities are also the leaders in terms of involvement of subjects of scientific and innovative activity: the number of innovative enterprises, the number of organizations engaged in R&D, the number of employees who performed R&D.

The calculation of the innovation potential in an integral form according to the method discussed above is shown in table 2. As can be seen from table 2, the variation in the assessment of innovative potential is 35 times – from 13 in Mangistau region to 456 in Shymkent. Only in 2 regions, the innovation potential is almost equal to the average Republican one – in Aktobe (104) and Karaganda (109). In another 5 regions, the innovation potential is significantly higher than the national average. In the other 10 regions, the innovation potential does not exceed half of the national average.

The STADIA software was used to search for a multi-factor linear regression model that takes into account the real patterns between the factors of innovation potential and the volume of innovative products produced.



**Table 1. Factors of innovative potential of Kazakhstan's regions in 2018**

	Administrative regions	Indicators									
		Volume of innovative products (goods, services), million tenge	Domestic expenditures on R&D, million tenge	The expense for innovations, million tenge	Number of innovative and active enterprises, units	Number of R&D organizations, units.	Number of employees who performed R&D, people	The number of new technologies and equipment objects created and used	Number of issued protection documents for inventions		
1	Akmola region	25 644,6	1 694,3	17 016,3	93	11	739	166	36		
2	Aktobe region	44 299,9	974,6	57 351,5	125	16	351	107	20		
3	Almaty region	18 351,2	1 121,1	26 964,4	151	9	970	68	67		
4	Atyrau region	8 819,8	4 494,5	90 719,9	96	10	466	124	15		
5	West Kazakhstan region	23 398,7	878,2	12 154,3	50	10	442	10	18		
6	Zhambyl region	66 782,3	731,6	6 945,6	96	9	280	134	56		
7	Karaganda region	54 778,0	3 508,3	55 131,8	336	28	1 349	64	90		
8	Kostanai region	124 014,9	827,4	15 406,8	163	12	590	331	23		
9	Kyzylorda region	6 401,7	301,9	19 688,5	92	7	222	179	18		
10	Mangistau region	651,0	9 848,7	2 553,8	45	6	694	0	15		
11	Pavlodar region	250 032,0	290,2	30 128,3	116	14	533	96	76		
12	North Kazakhstan region	9 396,5	226,3	16 071,2	119	5	90	0	30		
13	Turkestan region	13 375,7	273,6	9 207,1	60	6	202	92	21		
14	East Kazakhstan region	174 068,8	5 319,1	80 270,9	317	35	2 295	172	73		
15	Nursultan	112 146,2	14 094,2	81 815,6	583	60	3 081	2 813	226		
16	Almaty	30 228,4	26 586,5	76 061,8	670	135	9 407	1 018	731		
17	Shymkent	216 760,7	1 054,0	264 427,3	118	11	667	0	71		
	average value	69 361,8	4 248,5	50 700,9	190,0	22,6	1 316,4	358,3	93,3		

**Table 2. Innovative potential of Kazakhstan's regions in 2018**

	Administrative regions	Indicators									
		Domestic expenditures on R&D	The expense for innovations	Number of innovative and active enterprises	Number of R&D organizations	Number of employees who performed R&D, people	The number of new technologies and equipment objects created and used	Number of issued protection documents for inventions	Innovative potential		
1	Akmola region	39,88	33,56	48,95	48,70	56,14	52,51	38,59	35		
2	Aktobe region	22,94	113,12	65,79	70,83	26,66	33,85	21,44	104		
3	Almaty region	26,39	53,18	79,47	39,84	73,69	21,51	71,82	53		
4	Atyrau region	105,79	178,93	50,53	44,27	35,40	39,23	16,08	163		
5	West Kazakhstan region	20,67	23,97	26,32	44,27	33,58	3,16	19,29	23		
6	Zhambyl region	17,22	13,70	50,53	39,84	21,27	42,39	60,03	17		
7	Karaganda region	82,58	108,74	176,84	123,96	102,48	20,25	96,47	109		
8	Kostanai region	19,48	30,39	85,79	53,13	44,82	104,71	24,65	36		
9	Kyzylorda region	7,11	38,83	48,42	30,99	16,86	56,62	19,29	39		
10	Mangistaу region	231,82	5,04	23,68	26,56	52,72	0,00	16,08	13		
11	Pavlodar region	6,83	59,42	61,05	61,98	40,49	30,37	81,46	57		
12	North Kazakhstan region	5,33	31,70	62,63	22,14	6,84	0,00	32,16	31		
13	Turkестan region	6,44	18,16	31,58	26,56	15,35	29,10	22,51	19		
14	East Kazakhstan region	125,2	158,32	166,84	154,95	174,35	54,41	78,25	154		
15	Nursultan	331,75	161,37	306,84	265,63	234,06	889,86	242,24	204		
16	Almaty	625,79	150,02	352,63	597,66	714,63	322,03	783,54	186		
17	Shymkent	24,81	521,54	62,11	48,70	50,67	0,00	76,10	456		

Using step-by-step regression and multiple linear regression, a functional relationship is constructed, which has the following form:

$$Y = -41 + 5,061x_1 - 0,936x_2 - 424,58x_3 + 862,4x_4 - 117,54x_5 + 393,75x_6 + 2722,9x_7$$

$$R = 0,8093; D = 0,65496; F = 1,0847.$$

The presence of a link between the volume of innovation output and innovation potential (0.51) allows us to determine the estimated values of the volume of innovation output by region, with the actual characteristics of innovation potential and other equal conditions (table 3).

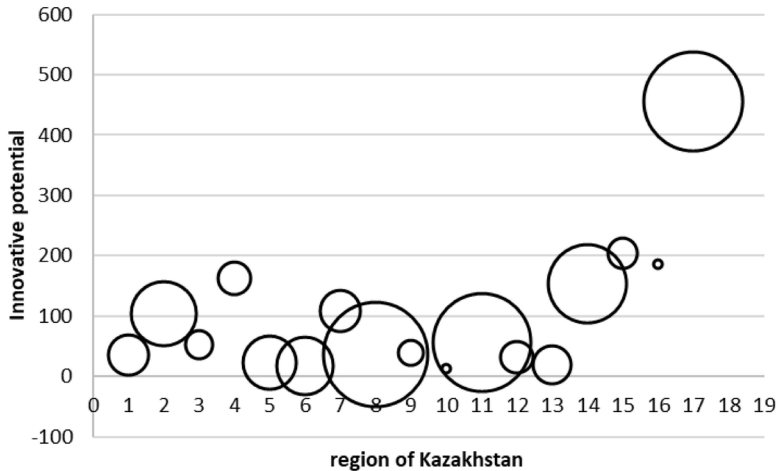
**Table 3. Factors of innovative potential of Kazakhstan's regions in 2018**

	Administrative regions	Actual volume of innovative products, million tenge	Estimated volume of innovative products, million tenge	Level of use of innovative potential, %
1	Akmola region	25644,6	140492,7	18,25
2	Aktobe region	44299,9	101688,9	43,56
3	Almaty region	18351,2	196017,2	9,36
4	Atyrau region	8819,8	72117,1	12,23
5	West Kazakhstan region	23398,7	76881,2	30,43
6	Zhambyl region	66782,3	190575,4	35,04
7	Karaganda region	54778,0	290695,1	18,84
8	Kostanai region	124014,9	112508,3	110,23
9	Kyzylorda region	6401,7	78974,2	8,11
10	Mangistau region	651,0	51561,6	1,26
11	Pavlodar region	250032,0	256480,4	97,49
12	North Kazakhstan region	9396,5	79208,7	11,86
13	Turkestan region	13375,7	80421,0	16,63
14	East Kazakhstan region	174068,8	277224,3	62,79
15	Nursultan	112146,2	1082761,7	10,36
16	Almaty	30228,4	2544997,7	1,19
17	Shymkent	216760,7	216491,0	100,12

As can be seen from table 3, the level of innovative potential utilization ranges from 1.26% in Mangistau region to 110.23% in Kostanay region. Analyzing these data, we can identify groups of areas with different levels of use of innovative potential:

- high level of usage is characterized by Kostanay, Pavlodar regions and Shymkent;
- the average level of use is typical for East Kazakhstan, Aktobe, West Kazakhstan and Zhambyl regions;
- the remaining 10 regions are characterized by a low level of usage.

Figure. 1 gives a clear idea of the size of the innovation potential and the level of its use.



**Fig. 1. Innovative potential of Kazakhstan’s regions and the level of its use in 2018**

In fig. 1, the regions are arranged horizontally in the order shown in table 3. The vertical arrangement of the circles shows the size of the innovation potential. As you can see from the figure, only 7 regions have a potential equal to or greater than the national average (100 or more). The area of the circle represents the level of use of innovative potential. Full use of innovative potential is typical for region 11-Pavlodar region. Kostanay region and the city of Shymkent, which has used its innovative potential by more than 100%, indicates the intensification of the use of its innovative factors and / or the attraction of innovative factors and resources of neighboring regions or countries to the territory of the region.

The obtained research results allow not only to assess the factors of innovative potential of the regions, but also can be used to develop measures to stimulate innovation, adjust the regional scientific and technical, innovation and industrial policy of Kazakhstan.

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# FINANCIAL SYSTEM OF THE REPUBLIC OF KAZAKHSTAN: INSTITUTIONAL CONDITIONS AND DEVELOPMENT TRENDS

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## ***Annotation***

*In modern conditions, the importance of the financial system in ensuring the distribution of material and other resources of society is difficult to overestimate. It should also be noted that the main world-class economic crises are primarily associated with problems in the development of the financial sector.*

**Key words:** *financial sector, lending, investments, national economy, stock technologies*

J. Stiglitz, a Nobel laureate in economics, compared the financial system to the brain of society. This comparison is based on the fact that the financial system distributes scarce capital between competing ways of using it, trying to direct it most effectively to where it gives the greatest return” [1]. It has a significant impact on all sectors of the economy, permeating all aspects of society. And in many ways, the efficiency of the functioning of the national economy as a whole depends on the effectiveness of its activities. In this regard, this article discusses the financial aspects of the development of the Kazakh economy.

Taking into account the time frame, the main regulatory document for the financial sector of the economy of the country of finance is the “Concept for the development of the financial sector of the Republic of Kazakhstan until 2030”, approved by the government back in 2014.

According to the Concept, the development of the country’s financial sector depends on determining its place and role in the country’s economy, taking into account the needs of society and the state [2]. It highlights the State’s expectation that the financial sector will be able to provide sufficient resourc-

es at an affordable price to finance priority sectors of the economy within the framework of economic development programs.

And the common goal for both society and the state, as well as for financial organizations, is the formation of a financial sector that performs its function of a financial intermediary as efficiently as possible. Taking into account the dynamic situation in the global economy, it was noted that, against the background of strengthening integration processes, coordinated unified approaches to regulating national financial markets (Basel standards) are being developed. It is important to further actively implement the best international practices and regulatory standards.

The subsequent increase in competition in the financial market, on the one hand, should entail an increase in the quality and expansion of the range of services provided. On the other hand, the degree of vulnerability of the financial sector of the Republic of Kazakhstan will increase, external risks will increase, which, in an unfavorable development scenario, may lead to an outflow of capital and funds of creditors and depositors from the banking system. And thus to credit compression.

The financial system should not create new risks or increase the scale of existing risks in the economy. This, in turn, it requires the development of an optimal regulatory mechanism, when the possible consequences of the implementation of risks are minimized, and the requirements are not excessive and do not suppress the activity of the financial sector.

In this Concept, the key problems of the financial system of Kazakhstan are correctly noted. Among them, in our opinion, the following can be distinguished [2]:

- a) The priorities of lending by banks reflect the disproportions in the structure of economic growth based on consumer demand, and not on investments to the real sector of the national economy.
- b) A limited set of services provided to large enterprises. And the main thing is the inability of banks to accumulate independently a significant amount of resources needed to finance large-scale investment projects.

**Table 1. Indicators of lending to the real sector of the economy of the Republic of Kazakhstan [3]**

	2016 year	2017 year	2018 year	2019 year	2020 year
The share of enterprises that received a loan	14,7%	17,3%	17,97%	17,27%	15,8%
The level of refusals in lending	7,4%	4,8%	-	13,6%	5,4%
Average interest rate on loans, tenge	14,2%	14,3%	13,4%	12,6%	12,0%
Acceptable interest rates in tenge	9,3%	8,0%	-	7,1%	5,5%

The above determines the dependence of financing of priority areas of development of the domestic economy, including small and medium-sized businesses, largely on the resources allocated by the state. Under these conditions, domestic banks, as part of the implementation of strategic programs for the development of the national economy, are assigned the auxiliary role of intermediate operators between the financial resources allocated by the state and the business entities to which these resources are intended.

c) Shortage of supply and unattractiveness of securities market instruments relative to bank deposits and the real estate market for retail investors.

The following problem is closely related to this. The absence of a decent financial center in the republic at the level of many existing world financial centers. In 2006, a Regional Financial Center of Almaty was established in Kazakhstan on the basis of a legislative act [4]. It was endowed with a special legal regime regulating the relationship between the participants of the financial center and interested parties. In general, it was aimed at the development of the financial market of the Republic of Kazakhstan.

The main tasks of JSC “RFCA” were as follows:

- ensuring the integration of the Kazakh securities market with international capital markets;
- creation of conditions for attracting foreign investors and issuers to work in the financial center;
- development and introduction of new financial instruments and stock technologies;
- improving the investment culture and financial literacy of the population.



The structure of JSC «RFCA» also included the rating agency RA RFCA, which became the first national rating agency in the republic. His tasks included providing services in the field of independent evaluation of Kazakhstani companies with the assignment of corporate credit ratings and corporate governance ratings.

But, unfortunately, JSC «RFCA» has not achieved its goals in solving a number of international financial goals. It has not become competitive in comparison with global financial centers. As a result, the current problems of the development of the country's securities market and other problems of a systemic nature remained unresolved. These include: infrastructure, economic, investment, business and others.

- d) A bias towards retail funding of the banking system with the actual absence of a liquidity redistribution market and underdeveloped refinancing mechanisms.
- e) A high level of non-performing loans, which reduces the ability of the banking sector to flexibly respond to changes in the macroeconomic environment, the situation in individual markets.

But, as the subsequent activity in general and the current practice of the unfavorable development scenario in particular have shown, the financial sector of the domestic economy remains one of its weakest links.

In 2015 President of the Republic of Kazakhstan Nursultan Nazarbayev, in the aspect of implementing this Concept in order to improve the activities of the National Bank as a domestic financial regulator, instructed its new leadership to conduct stress testing of all subjects of the banking sector for non-performing loans. In the future, based on its results, take measures to recognize them and write them off. Also, that banks that failed to solve the capitalization problem should «leave» the financial system. Kazakh banks must comply with all international standards, including the Basel Committee and the International Monetary Fund.

In 2016, according to the management of the National Bank, as part of its countercyclical regulation, the requirement to increase the equity capital of banks from 10 to 100 billion tenge, as well as the prudential standard limiting the annual growth of unsecured consumer loans was canceled [5]. But at the same time, these requirements, taking into account the risks of globalization and WTO conditions for the banking system, were contained in the “Concept of development of the financial sector of the Republic of Kazakhstan until 2030” under consideration, taking into account the recommendations of the Basel Committee on Banking Supervision. It was planned that the gradual introduction of new capital adequacy requirements and capital buffers would

begin in 2015 and, according to the plan, be completed by the end of 2018 simultaneously with many countries and within the deadline specified by the Basel Committee.

Later, the issue of the state and stability of the financial sector of Kazakhstan is raised again [6]. About the need for a “reset” of the country’s financial sector. In this regard, the regulator, i.e. the National Bank of the country, is tasked with developing a set of measures to improve the banking sector. Among the important ones, there is a need to accelerate the work on clearing banks’ balance sheets from “bad loans”, as well as ensuring their recapitalization by the shareholders of the banks themselves. In this direction, the possibility of granting the regulator more rights for operational control over the state of the banking sector is noted. And the National Bank should move from a formalized approach to a risk-oriented one. Its task should be to take measures to influence banks without waiting for a formal violation on their part.”

During this and subsequent periods, the republic’s banking sector continues to provide significant financial and other assistance to banks with problems, primarily large ones. There are processes of absorption and merger of some of them. But the policy of the banks themselves practically does not change. The main task - providing the subjects of the national economy with the necessary credit resources at an affordable price to ensure the conditions for their development - does not find its solution in the activities of banks.

The country’s leadership once again calls on the regulator to solve the problems that have accumulated in the banking sector, that it is necessary to complete the cleaning of the bank portfolio from “bad” loans. The owners of banks should bear economic responsibility, recognizing losses. And the National Bank should not be a spectator of such acts [7].

Over the period 2015-2018, the volume of deposits in the banking system of Kazakhstan amounted to about 17 trillion tenge. But the structure of the deposits themselves has a pronounced tendency: an increase in the share of deposits of individuals in comparison with legal entities. During this period, the share of deposits of individuals increased from 39% to 51% [8]. On average, the volume of deposits of legal entities is reduced by 6% annually.

Problematic loans and a high degree of affiliation of banks with borrowers remain a significant problem. A high degree of affiliation of banks with representatives of public authorities and quasi-governmental structures. This is most typical for large banks in the country.

In the aggregate indicators of the country’s banking sector, the main share is accounted for by the 10 largest banks (Table 2).

**Table 2. The share of the TOP 10 second-tier banks (STB) in the aggregate indicators of the banking sector of the Republic of Kazakhstan, % [9]**

	2015 year	2019 year	2020 year
Share in STB assets	82,0	85,3	85,6
Share in STB loans	85,0	85,5	89,3
Доля в кредитной просрочке	14,5	10,5	0,9
Доля в депозитах физических лиц	89,3	92,0	94,0
Доля в депозитах юридических лиц	78,6	82,5	77,5

The next trend is a change in the currency content of deposits. The share of deposits of individuals in the national currency decreased from 79% to 48%. The currency content of deposits of legal entities is less pronounced, but also changes.

As the main measure to solve this problem, the financial regulator has dramatically changed the policy of recommended interest rates on foreign currency deposits, reducing the rate to 1.0%. On tenge deposits, the rates are at the same or increased level. Such an administrative measure practically deprived depositors of interest in foreign currency deposits, except for the safety of deposits. For existing foreign currency deposits, it was recommended to transfer to tenge.

Single-resource specialization, inefficiency in the implementation of state economic development programs, a high degree of dependence on fluctuations in the world market, the manifestation of corruption in the public administration system could not but affect the considered sector of the domestic economy.

The international rating agency Moody's has changed the forecast for the banking system of Kazakhstan from stable to negative as of March 2020 [10]. According to the agency, the revision of the assessment reflects the growing risks of deterioration in the quality of assets of Kazakhstani financial institutions and a decrease in their profitability in a deteriorating operating environment. According to analysts, less favorable monetary conditions and a slowdown in economic growth will continue to reduce demand for loans and lead to a deterioration in the ability of borrowers to service their loans. It is for these reasons that the agency changed the forecast from stable to negative.

Moody's notes the expectation of a slowdown in the growth rate of Kazakhstan's real GDP from 4.5% in 2019 to approximately 2.5% in 2020 due to lower oil prices and negative consequences for the economy caused by the coronavirus epidemic. He also expresses his opinion about the prospect

of an increase in the share of problem loans, which has been declining in recent years.

It is important to note the conclusions that the increase in credit rates and the weakening of the national currency will lead to a deterioration in the ability of borrowers to service their financial debt. The level of liquidity will remain high, but the risks associated with the volatility of the funding base and the high level of dollarization will remain.

In this direction, unlike neighboring countries such as China and Russia, our state does not have the capacity and resources to conduct a sufficient policy to protect the interests of the domestic economy.

Currently, in the context of a pandemic, the country's leadership is actively working on the development and application of measures to support both the population and economic entities. Including the financial sector of the country's economy.

But here it is necessary to take into account the complexities of the current situation for the economy of our republic. The available gold and foreign exchange reserves, the resources of the National Fund formed by deductions from the activities of enterprises of the mineral resource sector of the economy would be relatively sufficient for the previous period of the republic's life. But in the current conditions of a sharp reduction in economic activity due to the pandemic, a sharp drop in prices for domestic mineral resources, increasing financial "injections" to support the population and the economy - these reserves are actively depleted without any income to these reserve sources.

As a general consequence of the pandemic and other related factors, the slowdown in global economic activity will affect commodity prices. This, in turn, will affect local exporters. In these conditions, investments will slow down, revenues from the export of oil, gas and other raw materials will decrease. All this will have a negative impact on the financial condition of the domestic economy, reducing budget expenditures and overall domestic demand. Objectively, the share of problem loans will not only remain, but also increase. But taking into account the changing approach of the state leadership to the policy of the financial regulator and the processes taking place in the financial sector of the domestic economy, this negative trend should be leveled in the coming years.

In this regard, the following should be noted. After changes in the top leadership of the state in 2019, the National Bank of the Republic of Kazakhstan was faced with the need to develop and implement a financial recovery plan. First of all, this is reflected in the following.

The National Bank has launched a full audit of 14 major domestic banks to assess the quality of banking assets (AQR).

These banks accounted for about 87% of all assets of the banking system of Kazakhstan and 90% of the total loan portfolio of the country's banks. The process of assessing the state of the republic's banks was carried out in accordance with the methodology of the European Central Bank, with minimal adjustments to the specifics of the Kazakh market. This approach helped to ensure the comparability of the results obtained with the results of similar foreign programs.

More than 500 employees of audit and consulting companies, more than 60 employees of the National Bank and more than 70 independent appraisal companies were involved in the AQR process [11]. The reporting date for an independent asset quality assessment is April 1, 2019.

The results of the AQR, as well as measures implemented after April 1, 2019 and up to now to improve the quality of assets and maintain the capitalization of second-tier banks confirm that there is no shortage of capital both at the system level and at the level of individual banks. There are no risks for depositors of AQR participating banks, due to the fact that the level of capital adequacy according to the results of all implemented measures for all banks is higher than the requirements of the regulator.

Therefore, assets in the 3rd stage for the assessment of unrealized loss are adjusted for the degree of coverage of loans with formed provisions, collateral and other collateral.

The reduction in the value of collateral after revaluation is 23.8% of the value of the collateral valid as of April 1, 2019. The analysis showed that, on the one hand, banks also discount collateral on their own, i.e. they approach conservatively to obtain their objective value. At the same time, in order for the methodology of valuation of collateral and the valuation itself to more accurately reflect the price characteristics of the markets, it is necessary to take systematic measures to bring valuation activities in Kazakhstan to international standards.

To date, the banks have implemented and confirmed by the regulator significant measures to improve the quality of the portfolio. As a result, out of 429 billion tenge, more than 180 billion tenge of potential adjustments for AQR were settled by the banks themselves in the period from April 1, 2019 to February 2020 by completing provisions, paying off borrowers' debts, accepting additional collateral for loans.

According to the results of the AQR, taking into account the revaluation of the value of assets for all banks, in order to ensure full coverage of potential risks for banks in 2020, in accordance with prudential capital requirements, the financial regulator together with the National Bank has taken a number of measures.

The Government, the National Bank and the Agency for Regulation and Development of the Financial Market, within the framework of the ongoing Program to Improve the financial stability of the banking sector, adopted by the National Bank in June 2017, have identified an additional asset protection tool in the form of a paid guarantee of the Problem Loans Fund. The Asset Protection Tool provides banks participating in this Program, which assume obligations to recapitalize and limit risks, with the opportunity to implement all necessary measures to improve the quality of assets, taking into account the results of the AQR.

Similar asset protection tools have been used in countries such as the UK and Spain.

In accordance with the instruction of the President of the Republic of Kazakhstan, given within the framework of the expanded government meeting on January 24, 2020, potential risks will be covered by banks and shareholders without the use of budgetary funds and on a fee basis. The creation of a capital buffer for banks will be carried out by the banks themselves and shareholders within the framework of the current program to increase financial stability using an asset protection tool and setting strict requirements for banks and shareholders.

The necessary decisions on the regulation and development of the financial market have been taken, and relevant agreements with each participating bank have been signed by all parties.

The support of banks is carried out entirely on a paid and paid basis with the mandatory participation of shareholders. The financial models presented by the banks are stable and allow the necessary measures to be carried out at the expense of the bank and shareholders.

Completion of the AQR and ensuring capital adequacy for all participating banks should contribute to a significant increase in the transparency of the banking sector in Kazakhstan. This, in turn, is an essential factor for attracting international investors to the country's financial market and improving its investment attractiveness.

Currently, the strengthening of the competitive positions of the above-mentioned largest banks continues. In particular, assets increased by 16.8%, loan portfolio - 11.8%. The remaining banks collectively have the following indicators: assets increased by 13.6%, loan portfolio decreased by 21% [12].

In this regard, it can be noted that the large banks of the republic, for a number of reasons, have the opportunity to choose the most creditworthy and reliable borrowers as clients. This can be emphasized by the following data: in 2020, the delinquency of large banks on the loan portfolio was 0.9%,

while in 2019 it was 10.5%. As a result, a reduction in the level of risk and the level of redundancy (6.9%). Thanks to this, large banks have the opportunity to direct additional funds for their development.

The deposit market is characterized by the following trends. The population began to invest more free money in large banks – an increase of about 20%. And this is a corresponding minus for smaller banking entities. This was probably influenced by the closure of a number of them in recent years.

But these banks have a more pronounced tendency to attract deposits from legal entities - an increase of more than 50%. This could be influenced by a higher level of their loyalty compared to large banks.

The most important trend, as well as on a global scale, is the transformation, digitalization of all banking activities. Investment in the renewal and development of IT systems and technologies has increased dramatically. And, of course, an investment in human capital. If initially, Kaspi Bank was a pronounced leader in this direction, now it has become a priority for the rest.

In today's difficult economic conditions in the global economy, the national regulator of the financial market of the Republic - the Agency for Financial Market Development of the Republic of Kazakhstan - plans to integrate AQR and stress testing of banks into the agency's supervisory process on a regular basis using the developed templates, tools and methodology. The priority of supervision will be to conduct stress testing on all banks to assess the impact of the crisis on the banking sector and its further development.

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## DEVELOPMENT OF A MODEL OF INNOVATIVE PERSONNEL BEHAVIOR

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### ***Annotation***

*The article reveals the issues of development model of innovative personnel behavior, based on the process of formation of innovative competencies. The structure and characteristics of competencies that determine the innovative behavior of employees are presented. A description of the model of innovative behavior is given, which are interconnected with functional, basic and innovative competencies.*

**Keywords:** *innovation; innovative behavior; innovative competencies; competency model; motivation; thinking.*

Long-term sustainability is guaranteed only to those companies that use innovative technologies. In conditions of modern reality and flexible competition, this is the main factor of their resilience. Currently, successful companies are implementing various innovative projects, paying a lot of attention to research and development, which contributes to improving the quality of manufactured products, professional service and favorably affects the work processes in the company, and, most importantly, competitiveness [4, p. 72-78]. In order to competently implement and develop ideas and projects, a company needs highly qualified personnel with innovative behavior and thinking.

Considering the development model of innovative personnel behavior, it is necessary to understand precisely what constitutes its basis, what is its nature, what mechanisms are involved in its formation [7, p. 384-390]. It is also important to understand that the concept of «innovative behavior» is considered on the basis of an interdisciplinary approach. Because only a comprehensive look at its nature and manifestations, which are formed within the framework of management, organizational sociology, psychology and other scientific disciplines, can fully reveal the essence of this phenomenon.

There are various approaches to understanding innovative behavior, which are determined by various manifestations of creativity, entrepreneurship, non-standard thinking. For the development of a model of innovative of personnel behavior, it is necessary to approach work, as it was repeated before, with creativity, innovative ideas and thinking.

The papers of many researchers are devoted to the study of innovative behavior relevant, who have made a great scientific contribution to the field of innovation management.

Innovative behavior is a personal characteristic of a person, his thinking, manifestation of creative potential, as well as the ability to show enterprise in solving a particular issue arising in the course of the organization's activities. [4, p. 72-78] According to V. West, innovative behavior is behavior aimed at the implementation by employees of new ideas, products, processes, procedures that can be applied to optimize work within a certain position, group or organization as a whole, and its examples are the search for new technologies, ways to achieve goals, methods of work and resources necessary to translate new ideas.

The development of a holistic model of innovative of personnel behavior is carried out by going beyond the established attitudes and behavioral stereotypes. Great importance are human capabilities, the environment that will meet these capabilities, as well as the willingness to realize their capabilities "here and now." [5, p. 99-101].

In development a model of innovative behavior, the key determinants are independence, intrinsic motivation, a high sense of duty, initiative, reproduction of new ideas, energy and labor efficiency. The staff of any developing company with innovative behavior will do the job better than expected, thus, in fact, it will test the ability to solve emerging issues [1, p. 66-68]. Thus, the innovative behavior of personnel is a complex phenomenon, which is based on the one hand on a person's readiness to reveal and use their creative potential, on the other hand, on the side of a person's ability to generate and implement new ideas.

I present a competency model which is a working tool for the formation of a model of innovative behavior (Table .1).

## Competency model

Cluster	Competency model description
Learning and development	Attitude towards learning: active learning and development, the use of various sources to gain new knowledge and new experience. Teaching others: Supporting and encouraging, accepting the role of mentor.
Collaboration	Communication: developing a broad network that can help generate new information and provide support for new ideas. Orientation to collaboration: willingness to work in a team; the ability to defend one's point of view, recognizing the interests of other employees, mutual assistance.
Creativity	Generating ideas: Different approaches to problem solving. Critical and independent thinking: the ability to abandon established practices in order to find a new solution. Creativity at work: Using new ideas to carry out your normal duties.
Positive perception of innovations	Flexibility of skills and behavior: the ability to easily assimilate and accept new technologies, methods and ways of working; Initiative: the manifestation of initiatives, active participation in the introduction of new technologies, methods and techniques of work; Willingness to change in the organization: a positive assessment of the prospects for change.

**Table №1. Competency model: Cluster and description.**

The value of the model lies in the fact that it provides an integrated approach to the development of a model of innovative personnel behavior, starting from the stage of training the company's personnel. This model can be interpreted in different ways for different organizations associated with the implementation of various tasks and types of work.

Key recommendations for the development of innovative behavior:

1. It is necessary to periodically introduce changes and innovations. The drive for change and innovation must be supported. All members of the organization should be involved in innovation.
2. Traditional ways of thinking should be avoided. The employee must have the ability to change his skills and behavior, depending on the tasks assigned to him.
3. The level of training of managers should be improved. They need to be well aware of past strategic experience in order to recognize the constraints in current policies in a timely manner. [6, p. 99-102].

Summarizing the above, we can conclude that innovativeness in the activities of personnel will manifest themselves only if they are focused on development and training, will show not only initiative, but also persistence in achieving goals. The most favorable innovation climate of an organization is characterized by a general focus on innovation, as a clearly expressed goal achieved by common efforts, as well as through a high degree of mutual trust.

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# FORMUŁA POTĘŻNEGO I WYDAJNEGO BIZNESU

## *The formula for a powerful and efficient business*

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### **Streszczenie:**

Obecnie głównym zadaniem strategów marketingowych w każdej branży jest zysk i sposoby jego wydobycia. Uczynienie firmy płynną i rozpuszczalnikową jest celem prawie każdego przedsiębiorcy. Osiągnięcie sukcesu w biznesie wymaga nie tylko ciężkiej pracy i błyskotliwych pomysłów. Konieczne jest, aby być wytrwałym, pewnym siebie, dociekliwym, elastycznym, celowym, pozytywnie myślącym, cierpliwym i entuzjastycznym w miłości do twojego biznesu. Formuła zaproponowana w tym artykule jest uniwersalna dla każdej firmy i pozwala właścicielom i menedżerom firm wyznaczać właściwe cele dla swoich pracowników, znajdować wąskie gardła i usprawniać procesy.

### **Abstract:**

Today, the main task of marketing strategists in any industry is profit and ways to extract it. Making a company liquid and solvent is the goal of almost every entrepreneur. Achieving success in business requires not only hard work and brilliant ideas. It is necessary to be persistent, self-confident, inquisitive, flexible, purposeful, positive-minded, patient and enthusiastic in love with your business. The formula proposed in this article is universal for any business and allows owners and managers of companies to set the right goals for their employees, find bottlenecks and improve processes.

**Słowa kluczowe:** biznes, pieniądze, gospodarka, promocja, deficyt, marketing, produkt, klienci, strona internetowa, formuła biznesowa.

**Keywords:** business, money, economy, promotion, deficit, marketing, product, customers, website, business formula.

The business formula is a way to make money. There are a lot of options to make money now. Each of them requires a different amount of investment, gives different results and at different speeds. However, there is the most popular formula, which is used by most businessmen, because it is quite cheap and at the same time gives a quick result.

At a time when speed solves everything and money is needed urgently, it is most in demand. For this reason, it is chosen by most modern businessmen. At its core, it is a modernization of the well-known formula “money — goods - money” adapted to modern conditions in which the Internet occupies a significant place. [1]

The most popular business formula for today looks like this: “money - website - contextual advertising - product - money”. As you can see, there is no need to reinvent the wheel, you can take work. The essence of the formula is that it makes little sense to invest money in a product or service now, because they are not the main thing, the main thing is customers. Therefore, money needs to be invested in customers.

There is no shortage of goods and services as before, on the contrary, supply is greater than demand. In fact, the problem is just the same in order to get an effective scheme for getting customers. The scheme is developed and proposed above. She says that in order to get customers, you need a website first. And not just a website, but an adaptive website.

An adaptive website is needed because now from 20 to 50% of the traffic is on mobile phones. Almost all people use the Internet, and many only use it. If you don't have a website, then 95% of the customers are not available to you. Even if you have a website, it's not enough. The main search engines are now configured in such a way that non-adaptive sites are poorly evaluated by them.[3]

This is understandable, because such sites are inconvenient to use from mobile phones. Visitors very often leave them immediately after sunset. Therefore, the first thing to do is to order an adaptive website. However, by itself, without visitors, the site is meaningless. There are different ways to get them, but now the most popular option is contextual advertising.

Effective contextual advertising is popular because it allows you to quickly and easily get targeted traffic to your site. Moreover, these will be 99% ready-made customers who do not need to be warmed up for a long time. So, first of all, money is invested in an adaptive website, and then in creating clients. As soon as you get customers, you can already invest money in goods.

Well, then everything is clear — I sold the goods to customers, received money. Moreover, the better the site, the better contextual advertising, the more

customers, and accordingly, the more sales and, as a result, earnings. The proposed business formula works. Verified both personally and by millions of businessmen around the world who have received customers and sales.[2]

With its help, you can get customers in just a few days if you find those who can quickly make websites and set up contextual advertising. If you have a sum of money on hand, then you can turn it into customers within 5-10 days. This formula also has a minus. She brings clients quickly, but they can end up being very expensive.

The client can click, go to the site and buy nothing. This can be done by 10 or even 100 clients. Only 101 can buy. As a result, you will only earn money on it, but the earnings may be small. Obviously, the task is to make sure that the number of those who clicked on your ad and those who actually bought it was close to 1 to 1.

This means that ideally it is necessary to make sure that everyone who came in made a purchase. The ideal is certainly unattainable, but it's worth trying to get closer to it, because in this case you will earn maximum money. It is clear that you will not be able to please everyone even if you try hard. Therefore, it is necessary to immediately cut off those who will definitely not buy anything.

This can be done if you broadcast a specific idea to potential customers. People who are not interested in this idea will simply not click on your ad. Yes, you will not have a beautiful figure for clicks, but there will be no expenses for empty clicks. The idea should be broadcast both in the ad and on the website. Only in this case the maximum result will be obtained.[4]

By going to the site, the client must understand that he got to the right place. The site should tell the client that he can implement this idea on it. It can be the idea of a market, a product, a person, a business. And it should be an idea, not a thought, as it often happens. To get a real idea, you need to work with holograms.

The proposed formula can be upgraded so that the maximum effect is obtained. The modernized business formula looks like this: money - idea - website - contextual advertising - product - money. The better the idea, the better the result will be. The result depends on the idea for 99%, so you need to work very hard on it.[5]

The formula is simple and clear, but when implementing it, questions may arise if you decide to do everything yourself. If you have any problems and questions, you can always get marketing advice and answers to them. In principle, you can order the implementation of the entire formula from professionals.



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## PLANNING AS AN ENTERPRISE MANAGEMENT TOOL IN MODERN CONDITIONS

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### ***Annotation.***

*The article analyzes the planning system as an enterprise management tool in modern conditions. Planning is an important management function of any enterprise, therefore, success in entrepreneurial activity depends largely on the quality of planning in the organization. Without the use of a planning system, it is impossible to make the right management decisions, as well as to ensure their effectiveness in market conditions. The requirements for the planning system are highlighted, and a modern planning model as an effective enterprise management tool is presented.*

### ***Anotace.***

*Článek analyzuje plánovací systém jako nástroj řízení podniku v moderních podmínkách. Plánování je důležitou řídicí funkcí každého podniku, proto úspěch v podnikatelské činnosti závisí do značné míry na kvalitě plánování v Organizaci. Bez použití plánovacího systému není možné činit správná rozhodnutí o řízení a zajistit účinnost v tržních podmínkách. Jsou zdůrazněny požadavky na plánovací systém a je představen moderní plánovací model jako efektivní nástroj pro řízení podniku.*

**Keywords:** *business plan, types of plans, planning, enterprise, modern economy, management, goal, efficiency.*

**Klíčová slova:** *podnikatelský plán, typy plánů, plánování, podnik, moderní ekonomika, řízení, cíl, efektivita.*

In the modern economy, the use of such an effective management tool as planning is necessary regardless of the scale of the company. Planning helps the company to avoid large losses and losses due to unpredictable changes in the economy. As a result, an effectively developed plan with possible outcomes for the organization will allow you to react fairly quickly and effectively to the problems that have arisen in such a way that the losses of the enterprise are minimal.

However, some companies do not pay enough attention to planning, because of this, unforeseen situations arise, such as a lack of material resources or insufficient funds for mandatory payments, which further leads to a breakdown of the agreed deadlines and a slowdown in production [5].

Efficiency refers to the ability to do the job and achieve the desired result with the least effort and time.

Planning is the compilation of a complete detailed list of actions leading to the achievement of the organization's goal with optimal allocation of resources. This definition is quite brief and accessible reveals the whole essence of the topic under study. Planning is a regularly recurring, future-oriented process of information processing and decision-making, which is carried out both at the level of the system (organization) as a whole and its separate elements (structural units, individual employees). The result of planning, as a rule, is a plan or a system of plans [1].

In general, we agree with the above opinion, but with a few clarifications. At the same time, an important reason for the need for planning is well-coordinated collective work at the enterprise. The effectiveness of the work depends on the correctly set goal and clearly planned actions of the staff, which in the future will contribute not only to the constant development of the company, but also to the prompt response to unpredictable economic conditions.

Planning is one of the important management functions that is being modified in the process of economic development. At the same time, various types of plans are used at enterprises.

Depending on the deadline for achieving the goal, there are types of planning:

- short-term (current);
- medium term;
- long-term (prospective).

Short-term planning (current) they are calculated for a period of up to one year. This type is the most common and includes plans for a day, week, month, quarter.

Medium-term planning is calculated for a period from 1 to 5 years. In some cases, it may be combined with current planning at some enterprises.

Long-term planning (long-term) covers a period of more than 5 years (for example, 10, 15, 20 years). This type is most often used in large enterprises to perform socio-economic tasks.

Depending on the content of the planned decisions, there are:

- tactical planning;
- strategic planning;

- operational and calendar planning;
- business planning.

Tactical planning is mainly long-term. Its main goal is to develop the necessary conditions for the implementation of strategic planning. Based on the results of this type of planning, a plan for the social and economic development of the enterprise for the appropriate period of time is drawn up. Special attention in the tactical plan is paid to performance indicators: improving the quality and competitiveness of products, increasing labor productivity, improving overall production efficiency.

Strategic planning is also focused on the long-term perspective and is a process of defining the mission and goals of the enterprise, as well as finding specific strategies to acquire the necessary economic resources. With the help of this type of planning, the main directions of enterprise development are determined, such as: stimulating the workflow, creating new directions, studying market demand, expanding the company's activities. The main goal of strategic planning is to build the potential for the survival of the organization in a constantly changing internal and external environment.

Operational and calendar planning is the final stage of tactical and strategic planning, implies determining the time of fulfillment of the set goals, as well as accounting and control over the process. At the same time, the task is to implement, using planning tools, the use of production resources at the maximum level, as well as to ensure the uniformity of output and the rhythm of production. With the help of this type of planning, all the indicators of the company are specified and the activities of the enterprise are directly organized.

Business planning is designed to assess the effectiveness of the expediency of planned actions. Drawing up a business plan is a time-consuming process in which it is necessary to take into account all available indicators, opportunities and offers. It describes in detail the process of functioning of the organization and shows what methods managers want to achieve their goals. In other words, the business plan describes the main aspects of the organization's future and fully analyzes the problems it may face. A well-developed plan helps the company to grow and gain new market positions [2].

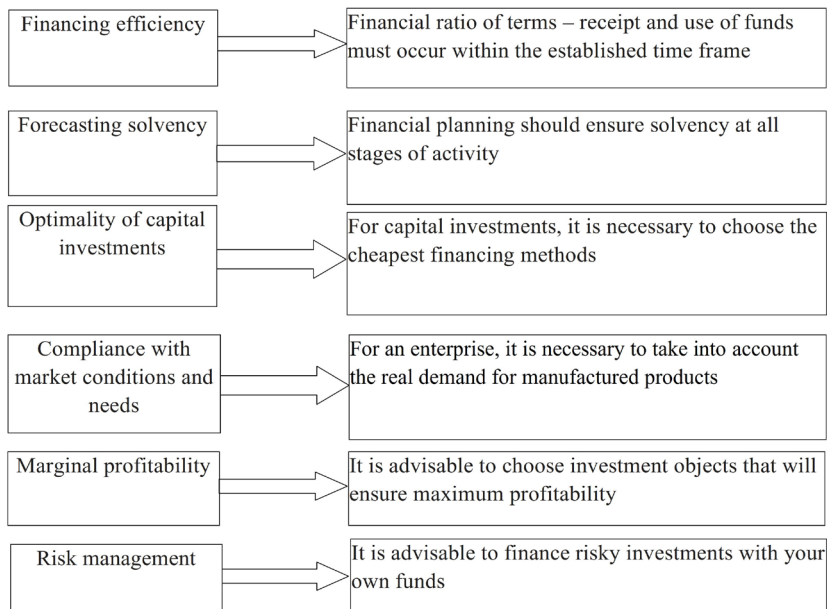
Thus, planning is one of the ways to manage time. There are a significant number of plans of different types, each of which has its own characteristics, since a plan indicating deadlines, methods, goals, tasks will indicate the time that should be spent taking into account all unforeseen circumstances. That is why you can use your time with maximum benefit only when it is carefully planned.

Planning should always begin with setting goals, that is, imagine the planned result as if it had already been achieved. By planning, we are moving in the opposite direction from irreversible time, building the sequence necessary for us. It is necessary to take into account that the planned actions cannot be carried out exactly. The sequence and duration of events may change, external circumstances that are not under our control will influence, but the final result should remain unchanged – the goal that we set ourselves before planning, although in some cases it becomes necessary to revise the previously approved goal and, accordingly, go through the planning procedure again.

At the same time, there are the following requirements for the planning system that bring maximum benefit and return to the enterprise:

- accurate execution of the tasks of the plan by all its participants;
- clear validity of all elements and stages of the plan;
- flexibility, which provides for readiness to change the external environment and the ability to react quickly and effectively to changed conditions;
- the presence of continuous monitoring, accounting and adjustment of the implementation of the plan [4].

In the works of R. V. Savkina, a modern model of enterprise planning is presented (Fig. 1).



**Fig. 1. Modern enterprise planning model**

Based on this, the company succeeds if the available resources are directed to achieving the goal and are maximally implemented, which is greatly facilitated by the development of an effective business plan that contributes not only to the comprehensive development of the organization and operational work of personnel, but also protects the company from undesirable risks due to an unstable economy, which ultimately leads to increased stability of the workflow and coherence of actions within the company.

At the same time, the use of a planning system helps the enterprise:

- to find the optimal solution to the tasks facing the enterprise;
- to prevent possible mistakes in future work, to use competitive advantages;
- to reduce the impact of weaknesses and shortcomings in the work of the enterprise;
- monitor new trends in the development of the market and use them in their activities;
- eliminate uncertainty, more clearly define the goals of the enterprise and the ways to achieve them [3].

Currently, organizations require the greatest adaptability and speed of reaction to sudden changes, which makes the organization the most competitive for the economic system. An increasing number of enterprises have recently realized the need to apply planning principles for corporate centralization [6].

This happens for the following reasons:

- constant growth rates of changes in the external environment require delegating a significant amount of authority to employees, making independent decisions, planning and organizing their work time;
- the effectiveness of the work of key employees in the planning process is currently the main factor in the competitiveness and success of organizations, but there are difficulties in controlling the most creative employees, which leads to the emergence of an independent organization of work by such an employee;
- innovations, such as changing the direction of activity, entering new markets, developing new products, etc., are not uncommon exceptions for organizations. Accordingly, the number and volume of tasks that need to be solved and create a plan with time reserves for their implementation increases.

Summing up, we can conclude that planning plays an important role in the activities of each enterprise. It is impossible to achieve success without clear planning of activities, constant analysis of information about the positions of competitors in the market and the state of the economy at the present stage.

There are a significant number of plans of different types, each of which has its own characteristics. At the same time, the presence of an effectively developed plan contributes not only to the successful development of the organization and the operational work of personnel, but also protects the enterprise from undesirable risks due to an unstable economy.

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# APPLICATION OF PROJECT MANAGEMENT METHODS BY INDUSTRIAL ENTERPRISES IN THE CONTEXT OF DIGITALIZATION OF THE ECONOMY

## Przedsiębiorstwa w kontekście cyfryzacji gospodarki

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### **Annotation.**

*Project management methods are analyzed from the point of view of their applicability by industrial enterprises operating in the conditions of digitalization of the economy. One of the variants of application of project management methods at industrial enterprises performing the task of informatization of the production process is proposed. The use of project management methods facilitates the adaptation of enterprises to changing environmental conditions caused by the active development and implementation of information technologies and digitalization of society, allows you to identify and make the most complete use of available resources, make effective management decisions, and establish interaction between departments performing various functions. The process of applying project management methods should be carried out taking into account the goals defined by the enterprise strategy, as well as trends in changing environmental conditions.*

### **Adnotacja.**

*Metody zarządzania projektami są analizowane z punktu widzenia ich przydatności przez przedsiębiorstwa przemysłowe działające w warunkach digitalizacji gospodarki. Zaproponowano jeden z wariantów zastosowania metod zarządzania projektami w przedsiębiorstwach przemysłowych realizujących zadanie informatyzacji procesu produkcyjnego. Zastosowanie metod zarządzania projektami ułatwia dostosowanie przedsiębiorstw do zmieniających się warunków środowiskowych spowodowanych aktywnym rozwojem i wdrażaniem technologii informatycznych oraz digitalizacją społeczeństwa, pozwala zidentyfikować i jak najpełniej wykorzystać dostępne zasoby, podejmować skuteczne decyzje zarządcze oraz nawiązywać interakcje między działami pełniącymi różne funkcje. Proces stosowania metod zarządzania projektami powinien być realizowany z uwzględnieniem celów określonych w strategii przedsiębiorstwa, a także trendów w zmieniających się warunkach środowiskowych.*



**Keywords:** *information technologies, industrial enterprises, digitalization, competitiveness, innovative development, project management, information resources, enterprise management*

**Słowa kluczowe:** *technologie informacyjne, przedsiębiorstwa przemysłowe, digitalizacja, konkurencyjność, rozwój innowacyjny, zarządzanie projektami, zasoby informacyjne, zarządzanie przedsiębiorstwem*

## **Introduction**

Digitalization of the economy has a significant impact on the activities of domestic industrial enterprises and makes it necessary to adapt in a timely manner to changes caused by intensive technological development.

The relevance of the research is determined by the growing needs of domestic industrial enterprises for tools, the use of which contributes to increasing their competitiveness in the global market and digitalization of the economy. Changing external conditions require an appropriate response from companies and the search for new solutions that will allow them to maintain their position in the market.

In this article, project management methods are studied from the point of view of their applicability to the activities of industrial enterprises. Previously developed and proven project management methods can be successfully used not only for the development of project activities, but also as tools in the field of industrial enterprise management.

The development of industrial enterprise management methodology can be an effective tool for enterprises to achieve their goals and implement strategic plans. The use of project management methods by industrial enterprises contributes to more efficient use of the resources available to them, and helps in identifying additional ways to achieve their goals. The results of this study can be useful for senior and middle-level managers involved in the processes of enterprise development and improvement of production activities.

It should be noted that the possibilities of applying project management methods in the practice of domestic enterprises are currently significantly underestimated. In the context of digitalization of the economy, which leads to tougher global competition, the development of topics related to the search and expansion of tools in the field of effective management of industrial enterprises is constantly increasing. The application of project management methods can be appropriate both within the entire industrial enterprise, and in the activities of individual and specific structural divisions.

## **Information technologies in the development of industrial enterprise management methodology**

The need to maintain competitive positions in the market in the context of the active development of information technologies makes it necessary to make changes in the production and management activities of industrial enterprises.

The development of industrial enterprise management methodology is currently directly related to the development and implementation of information technologies. Their use helps to improve the efficiency of the implementation of individual methods.

Commercial organizations that implement projects in the context of digitalization of the economy are actively using the following promising methods:

- Waterfall model Waterfall, in which the task moves sequentially from one stage to another.
- a flexible project management model that allows dynamic requirements formation (Agile);
- hybrid approach that combines techniques used in waterfall and agile models – Scrum methodology, which involves a special organization of the work of teams of employees;
- Japanese philosophy and practice of “Kaizen” (Kaizen), focused on joint, continuous management and improvement of processes and activities of teams;
- the Kanban method in which information about the project is visualized as much as possible, which allows you to see overlays and errors, work on the task is carried out simultaneously by the entire team in order to avoid uneven load distribution, and the time for completing tasks is strictly controlled [1];
- methodology for improving the efficiency and organization of DevOps software development and operation processes DevOps (English DEVELOPMENT OPERATION);
- the Lean manufacturing approach, manufacturing which involves minimizing the resources spent;
- The Critical Path Method (CPM) Path Method, which is used to simulate the process.
- the ECM event chain methodology methodology, which involves predicting and managing the occurrence of events.
- the Program Evaluation Review Technique (PERT) Review Technique, which pays special attention to the analysis and prevention of the impact of risks;

- The CCPM critical chain project management method, which takes into account constraint theories.
- the Six Sigma methodSix Sigma, which applies an approach to improving the production process by searching for and eliminating the causes of errors or defects in business processes;
- Projects in Controlled Environments PRINCE2; Projects in Controlled Environments PRINCE2);
- Process-based Project Management; Process-bases Project Management);
- use of key performance indicators (KPIs). Indicators).

All of the above methods can be implemented using information technology. For this purpose, you can use both specially developed software and devices that perform certain functions. The introduction of information technologies in management processes leads to an increase in planning efficiency, acceleration of production processes, improvement of the quality of goods and services offered, improvement of logistics processes and commodity movement processes in general, and increased control efficiency [3].

The use of information technologies allows solving problems that arise as a result of the emergence of new innovative solutions. The range of application of information technologies in the application of industrial enterprise management methods is very wide. For example, they can be implemented using developments in the field of blockchain, artificial intelligence, the Internet of Things, and cloud technologies. To date, the implementation of distributed cloud technologies has begun, in which data is stored on various servers distributed in the network, and architecture management, administration and updating remain the responsibility of the provider of public cloud services. In the practice of industrial enterprises, the development and use of digital twins is becoming increasingly important. Information technologies play a key role in the progress of the modern economy. Modern information technologies are used for efficient and timely computer processing and sorting of information resources, their transmission over various distances in the shortest possible time.

The development of the methodology for managing industrial enterprises takes place in the context of the introduction of modern technologies and is influenced by them. There is a reciprocal process. Information technologies are used to implement existing project management methods, and, at the same time, by changing the technology of the process and method, they lead and make it possible to transform them, integrate them with other methods, or expand the scope of application, as for example, in the case of using proven project management methods in the activities of industrial enterprises. Introduction of information technologies is one of the most effective means

to maintain and strengthen its advantages over competitors. It facilitates the process of finding new ideas, allows you to implement previously non-existent opportunities.

## **Possibilities of applying project management methods in the practical activities of domestic industrial enterprises**

In the practical activities of industrial enterprises, the use of project management methods may be appropriate for solving specific problems, they can be used to increase the level of adaptability of the enterprise to changing external conditions.

As an example of such an application and as part of the study of the possibilities of applying the methods, we will consider one of the options in which an industrial enterprise faces the task of informatization of the production process.

In this case, it is advisable to use the following methods.

1. Cascade method (Waterfall). The implementation of this method involves passing the task sequentially in stages that resemble a stream [7]. In the case of the implementation of the task of informatization of the technological process, it consistently passes through the stages from determining the requirements for the results of work to the functioning of the modified production process. As an advantage of this method, we should note the tendency to perform work within the planned plan, which prevents the need to change the amount of financial resources and postpone the established deadlines.
2. Flexible project management model (Agile). An approach to the implementation of works focused on the use of the iterative principle of work implementation, dynamic formation of project requirements with constant interaction of the customer's representative with a self-organized team consisting of specialists of various profiles [7]. As part of the implementation of the task of informatization of the production process, the planned activities are divided not into consecutive phases, but into separate tasks, the implementation of which leads to the required result. Initiation and top-level planning cover the entire task, and subsequent stages: development, installation of equipment on various lines, testing of individual blocks, and other actions are performed separately for each mini-task. This makes it possible to transmit the results of such mini-tasks faster, and when starting a new task, it remains possible to make changes without affecting the rest of the work and significantly changing costs.

The advantage of this method in implementing the task of informatization of the production process is the ability to quickly make changes to the management decision-making process and maintain the ability to quickly implement advanced technologies.

3. I'm cutting-edge tech. The Program Evaluation Review Technique (PERT) Evaluation Review Technique allows you to quantify the expected duration of the entire project and its individual components [2]. As part of the implementation of the task of informatization of the production process, the use of this method allows you to plan the full cycle of operation of the installed equipment, its application also makes it possible to plan the life cycles of both individual manufactured goods and their lines, and the entire enterprise as a whole. In modern conditions, the use of this method can be implemented simultaneously with the creation of digital twins, the installation of specialized software, the development and use of cloud technologies and the Internet of Things.
4. The Critical Path Method. Critical Path Method This method allows you to manage projects related to the technological modernization of the enterprise through the implementation of the modeling process, that is, a project model is created that includes such mandatory elements as operations and processes that interact with each other during the project, the time of project implementation and its components [2]. Based on mathematical calculations, the constructed model allows you to identify which of the sequences of operations and events is the longest in terms of execution time. In addition, this model allows you to determine the least and most time-consuming options for the start and end of each of the project operations, which will not lead to a significant delay in the implementation of the project as a whole [5]. Thus, when managing the technological modernization of domestic enterprises and as part of the implementation of the task of informatization of the technological process, the use of the critical path method makes it possible to optimize the decision-making process and reduce possible risks. In the practical activity of domestic industrial enterprises, the use of this method is applicable to the implementation of production modernization activities, the need for which is constantly increasing in the context of intensive technological development. This technology is applicable in the process of implementing distributed cloud technology. In modern conditions, the use of this method can be implemented simultaneously with the creation of digital twins.

Методика The Scrum methodology developed by J. R. R. Tolkien Sutherland and K. The mop maker. The difference between this method is the possibil-

ity of its application in activities involving active collective work. This method is effective for projects that require fast results [6]. Translated from English to Russian, the term “scrum” means “scrum”. The direction of development of the enterprise, the nature of innovations and the efficiency of the enterprise as a whole completely depend on the work of its employees. In this regard, the development of methods for organizing effective team work is also relevant for industrial enterprises. The use of this method in the implementation of the task of informatization of the production process can be effectively used when employees of different structural divisions search for optimal technological solutions and in the process of their implementation in practice.

Thus, project management methods can be effectively applied in the activities of industrial enterprises. The advantage of improving the management methodology by complementing it with project management tools is that it allows you to take into account the specifics of a particular enterprise, and make better use of its available resources.

For the purpose of informatization of the production process, it is possible to use both separate methods and their combination, depending on the specifics of the activity and resources of a particular enterprise.

The application of project management methods in the practical activities of domestic industrial enterprises expands their capabilities, increases the level of flexibility of the management system, accelerates the introduction of necessary changes in production processes, and allows them to reveal their intellectual and technological potential.

## **Analysis of results**

Innovative development is a prerequisite for timely response to environmental changes, which are characterized by high dynamics of transformation and digitalization of society. The results of innovative activity and the use of modern management methods allow enterprises not only to maintain strong positions in the market and provide the necessary financial indicators of the business, but also to optimize internal business processes, identify reserves for development, and enable them to move to a qualitatively new level of functioning.

Continuous technological improvement is now becoming a necessity. Technology acts as an objective, materially organized form of innovation existence [4]. Changing external conditions require an appropriate response from companies and the search for new solutions that will allow them to maintain their position in the market. The use of proven project management methods can be an effective tool, including for industrial enterprises.

In conditions when industrial enterprises are faced with the task of increasing the level of informatization of production processes, it is possible to combine a number of methods or use their individual elements that correspond to the goals set. Options for combining methods depend on the specifics of a particular enterprise. One of these options is described in this article.

Project management methods are actively and successfully applied in such foreign companies as Daimler (manufacturer of Mercedes-Benz cars), Suzuki, Toyota, Samsung, Panasonic [8-12]. The results of the analysis of the activities of these successfully operating foreign industrial companies in the market allow us to conclude that it is advisable to apply project management methods in the practical activities of domestic industrial enterprises. In a generalized form, the opportunities opened up by the use of project management methods in the activities of domestic industrial enterprises can be characterized as follows (Table 1).

Many methods were initially formed under the influence of intensive development of information technologies and can be applied in conditions of active digitalization. The use of proven project management methods can be an effective tool for solving problems facing industrial enterprises. The use of such methods contributes to expanding the capabilities of enterprises and their adaptation to changing conditions. Their application in practice helps to identify unused resources of the enterprise, facilitates the process of making managerial decisions, and contributes to the achievement of strategic goals of the enterprise.

### **Application of project management methods in the activities of domestic industrial enterprises**

Наименование Method name	Method essence	Areas of application in the practice of industrial enterprises	Advantages of using the method in industrial enterprise management
Waterfall model Waterfall	The task is passed sequentially in stages, according to the flow principle	Management of the enterprise and its structural divisions, improvement of the system of interaction with the consumer of manufactured products	Manage the execution of work in accordance with the agreed plan. Compliance with the cost estimates and deadlines for the implementation of activities.
Agile Project Management Model Agile	Splitting a task into multiple parts in order to organize parallel work on their implementation	Management of the enterprise and its structural divisions, implementation and work with electronic information systems	Rapid introduction of changes in the management decision-making process, adaptation of the production process to the rapid emergence of new technological solutions

PERT program and Project Evaluation and Analysis techniques	Quantification of the expected duration of the entire project and its components	Implementation of specialized software, creation and use of digital twins, development and use of cloud technologies and the Internet of Things	Planning of a full cycle of operation of the installed equipment, planning of a life cycle of the enterprise, and also products made by it
Critical path SRM Method	Creating a model for optimal sequences of operations and events	Production processes, modernization of technological cycles	Management of activities related to modernization of production, improvement of technological cycles, introduction and use of information technologies
Методика Scrum Methodology	Building a special organization for the work of teams of employees	Organization of team work, solving short-term tasks, quality management	Improvement of methods of collective work, determination of the direction of further development, search and selection of technological solutions

## **Conclusion**

To survive in the global market and continue to develop sustainably, domestic industrial enterprises need to identify opportunities for the most complete use of available resources. The use of proven management methods used in project management can be effective and appropriate in the activities of industrial enterprises operating in the context of active digitalization of the economy.

To identify the possibilities of using project management methods in the activities of industrial enterprises, an analysis was carried out, which resulted in the first identification of areas in which such application becomes possible and appropriate.

The application of project management methods in the activities of industrial enterprises contributes to the development of new areas of activity, the search for ways to overcome modern challenges, and the implementation of previously formed strategies. In the process of introducing new products to the market, high-quality testing methods that precede mass production and help minimize risks are of particular importance for industrial enterprises. To solve a specific problem facing an industrial enterprise, it may be advisable to use either one proven method developed in the framework of project management, or a combination of them or a combination of several methods.



The current conditions of rapid digitalization of the economy and the ongoing globalization of the market make it necessary for industrial enterprises to find and apply new methods that correspond to the current situation. In this capacity, proven project management methods can be used. The use of such methods makes it possible to make the process of managing an industrial enterprise more flexible and adaptive, which is especially important in conditions of economic crises, rapid changes in market conditions and digitalization of the economy.

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## CONCEPTUAL APPROACHES TO THE INTEGRATION OF NATIONAL ECONOMIES AND THEIR INDUSTRIES INTO THE WORLD ECONOMY

### Koncepcyjne podejścia do integracji gospodarek narodowych i ich branż z gospodarką światową

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#### **Annotation**

*In conditions of increasing interconnection and interdependence of national economies, the internationalization of economic life is moving to a qualitatively new stage of world economic relations, i.e. international economic integration. We consider international economic integration as the mutual adaptation of national economies, the introduction of national factors of production into a single reproductive process on a global scale. Developing at two levels - global and regional - the integration process is characterized on the one hand by the increasing dependence of national economies on the world economy, on the other by the economic convergence of countries. Each of the national economies is integrated into the world economy under the influence of general and specific factors that determine the priorities of various forms of integration. However, none of the existing national economies can effectively develop in isolation from the world economy. This is especially true for the transition economies formed after the collapse of the world socialist system.*

#### **Adnotacja**

*W warunkach rosnących wzajemnych powiązań i współzależności gospodarek narodowych Internacjonalizacja życia gospodarczego przechodzi na jakościowo nowy etap światowych stosunków gospodarczych, tj. międzynarodową integrację gospodarczą. Uważamy międzynarodową integrację gospodarczą za wzajemną adaptację gospodarek narodowych, wprowadzenie krajowych czynników produkcji do jednego procesu reprodukcyjnego w skali globalnej. Rozwój na dwóch poziomach-globalnym i regionalnym - proces integracji charakteryzuje się z jednej strony rosnącą zależnością gospodarek krajowych od gospodarki światowej, z drugiej zaś konwergencją gospodarczą krajów. Każda z gospodarek narodowych jest zintegrowana z gospodarką światową pod wpływem czynników ogólnych i szczegółowych, które określają priorytety różnych form integracji. Jednak żadna z istniejących gospodarek krajowych nie może skutecznie rozwijać się w oderwaniu od gospodarki światowej.*

*Dotyczy to zwłaszcza gospodarek przejściowych powstałych po upadku światowego systemu socjalistycznego.*

**Keywords:** *economic integration, production, global scale, integration process, economy, international division of labor, industry, financial power, new industrial countries, national economy*

**Słowa kluczowe:** *Integracja gospodarcza, produkcja, skala globalna, proces integracji, gospodarka, międzynarodowy podział pracy, przemysł, siła finansowa, nowe kraje przemysłowe, Gospodarka Narodowa*

## Introduction

The problem of transition to an innovative type of economic development should be considered in the context of the model of foreign economic relations (WEC) and the positions taken in the world economy based on a combination of several approaches.

The first of these approaches is the WORLD -Systems Approach (SME). This approach was developed in the 1970s by well-known sociologists and economists A. G. Frank, I. Wallerstein, S. Amin, J. Arrigi and T. Santos. This approach gives grounds to consider the development of national economies in the context of the system of world economic relations (SMHS) - in the terminology of the world-system approach of the so-called world-economy formed by the relations of the international division of labor and international trade. The key feature of the structure of the world economy of SMEs is its structural hierarchical division along the axis “core (“center”)- periphery”. It reflects a steady process of redistribution of capital accumulated in this system from its lower levels, which are losing capital (periphery - mainly, semi-periphery-partially), in favor of the level accumulating capital (core).

The specialization of the national economy in the international division of labor (MRT) determines the position it occupies in the hierarchically arranged structure of the world economy. In MRT, the core of the world economy specializes in the production of highly profitable monopolized knowledge-intensive industries. The processes of transnationalization of production in the last quarter of the 20th century led to the removal by transnational corporations of a number of industries, including individual stages of production of high-tech products, from the core countries to the countries of the new industrial half-empire. However, their technological and financial dependence on the core countries, where the most powerful high-tech TNCs are based, remains [2].

The specialization of the semi-periphery is the mass production of products of less profitable medium-tech industries where there is an oligopoly. As for the periphery, its lot is the production of low-tech industries, the profitability of which is low due to intense competition or subject to sharp fluctuations depending on market conditions (in particular, changes in raw material prices).

The hierarchy of the world economy is realized through the relations of non-equivalent international trade exchange. Through such an exchange, the added value created in the world economy is redistributed from the low-income competitive industries of the periphery in favor of the highly profitable monopolized industries of the core. At the same time, within the framework of the world economy, the financial and technological dependence of the new industrial semi-periphery and the raw material periphery on the post-industrial core is being consolidated. It has the greatest financial power among the levels of the system, control over global financial flows, performs the functions of a generator of scientific and technological innovations in the world economy and, consequently, becomes a recipient of technical rent. The participation of the national economy in this form of MRI is characterized as a trade - intermediary model of foreign economic relations.

The processes of economic regionalization and regional integration that intensified in the late 20th and early 21st centuries in various parts of the world give rise to the hypothesis that the global West-centric world economy has entered the stage of bifurcation. This is evidenced by the gradual formation in a number of regions of the world of international economic (sub) systems - a kind of local world-economies (in the understanding coming from the ideas of F. Braudel). At the semi-periphery of the global world economy, the largest newly industrial countries become the locomotives of such processes. This is especially intense in the Asia-Pacific region around China. Along with the existing Japanese- and American-centric and centropериферіc relations there, new Chinese-centric ones are being formed within the framework of the emerging East Asian world economy.

The next approach is the geo-economic approach (GEO), which involves modeling the world order as a three-dimensional integrity and partitioning of global space using the so-called geogenesis method. A number of functional spaces (subspaces) are distinguished, which are in a relationship of hierarchical interdependence. At the same time, it is believed that the geo-economic space at the turn of the 20th-21st centuries in the hierarchy of spaces of the world system moved to a dominant position.

The GEO is aimed at analyzing the features of the formation and functioning of internationalized production cycles within the global geo-econom-

ic space, which integrate segments of various national economies. As a result, they become components of emerging transnational economic entities of the network type - internationalized reproductive enclaves.

During the crisis, this share accounted for about 40% of world commodity trade, still remaining its largest part.

The integration of segments of the national economy into the geo-economic space, that is, in the IVS, in the form of participation in scientific, technical and industrial cooperation in high-tech industries is an objective fundamental condition for the continuous innovative development of these segments of the national economy in the context of the entire system of world economic relations. This ensures the participation of the national economy in the creation and redistribution of world income within the framework of an internationalized reproductive system [2, c. 43-53].

On the contrary, the participation of the national economy in world economic relations only in the form of an intersectoral division of labor based on the trade-intermediary model of foreign economic relations (provided that the economy is at the peripheral level) means its exclusion from the IVS, from the process of creating and redistributing world income in it. Non-integration into the reproductive system becomes an objective obstacle to the entry of the national manufacturing industry into the world markets of high-tech products. The latter are characterized by the predominance of technological and patent monopolies, or an oligopoly of knowledge-intensive TNCs (moreover, monopolies secured through intra-industry and nodal division of labor between TNCs). As a result, exclusion from the IVS objectively hinders the continuous innovative development of the national economy as a whole [3].

It should be noted that in the coordinates of the world - system approach, the countries of Western Europe are an integral part of the core of the system of world economic relations. TNCs based in these countries specialize in the development and production of high-tech products and share European markets with American and Japanese TNCs, using China and a number of other countries as their "assembly shops" [4].

During this period, many countries began to move to a new type of international socialization of production, called integration. The objective necessity of such a step was conditioned by the whole course of world economic development, generated by the urgent problems caused by it, which cannot be solved by States either alone or on the basis of the old system of international division of labor.

The distinctive signs of the onset of this stage in the development of the global economy were:

- openness of the economy as the leading principle of any country's relations with the world community;
- the formation of regional entities aimed at the application of sufficiently reliable and effective mechanisms for regulating economic cooperation between countries;
- the emergence and wide spread of TNCs, increasingly playing a decisive role in international investment and trade policy;
- intensive development of high technologies and advanced technology, computer science, etc., which leads to an increase in labor productivity, closer connection of the markets of individual countries and regions;
- creation of a whole system of international organizations (UN, International Monetary Fund, World Bank, World Trade Organization, etc.) [5].
- formation of an international trade system based on the rules and conditions of cross-country migration of labor, capital and technology adopted by the international community;
- the functioning of the general financial sphere, not directly related to foreign trade and the international movement of factors of international production [6].

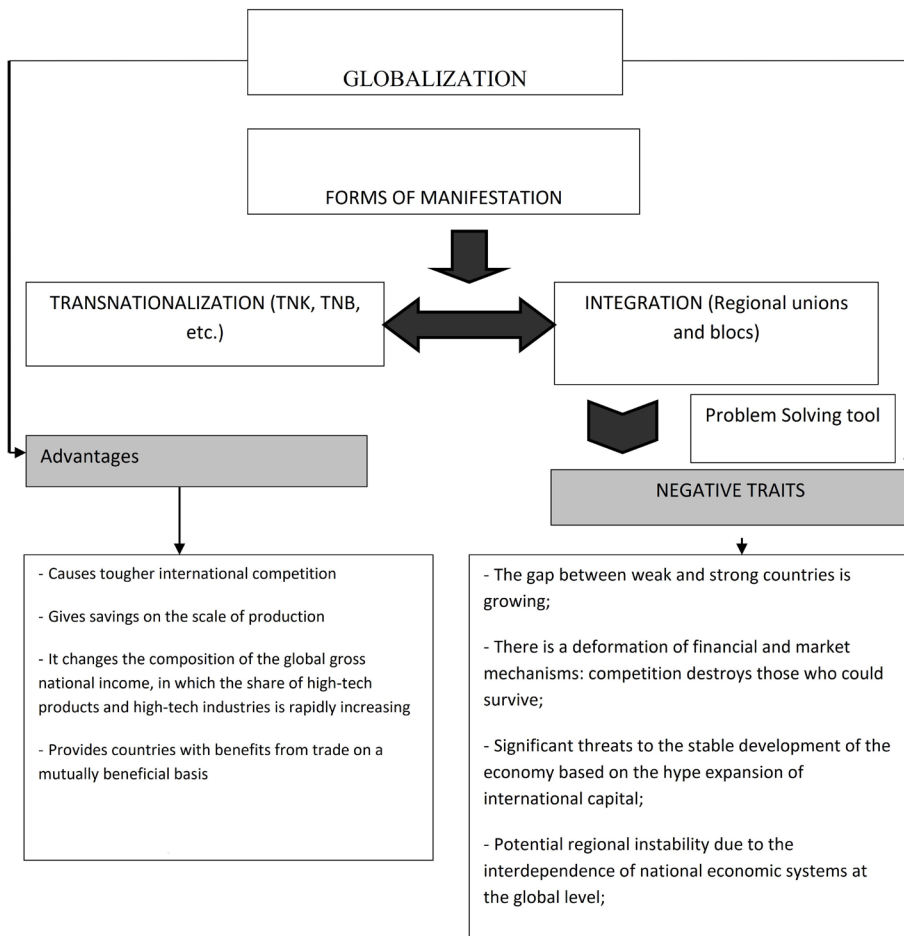
According to the above point of view, on the basis of the active promotion of these processes, since the 80s of the last century, the modern period of globalization of the world economy was born, which subsequently resulted in the formation of an integral unified space due to the further development of the global market of transnational capital, new technologies that provide a qualitatively different level of economic relationships.

It is clear that the phenomenon of globalization is the subject of a special in-depth study. However, the growing processes of the world economic system require an adequate understanding of the nature of those serious changes that most clearly manifested themselves in the last decade of the 20th century. For any country, the study of these processes is very important in order to choose the right macroeconomic guidelines for its own development [7].

At the current stage of development, globalization is the increasing interdependence of national states and regions that form the world community, their gradual integration into a single system with common rules and norms of economic, political and cultural behavior. At the same time, globalization is a dual process developing simultaneously in interstate and transnational forms (Figure 3). Hence the multiplicity of its carriers: countries, their coalitions, international organizations, non-governmental entities, TNCs and even individuals [8].



Globalization has strengthened and forced a new understanding of the role of the nation-state as a leading player on the world stage, still controlling its territory and natural resources. The positions of sovereign countries as elements of sovereignty in the era of globalization are influenced by two processes. On the one hand, under its influence, the autonomy and sovereignty of national states will inevitably decrease, and on the other hand, in many cases, international cooperation allows them to more effectively defend their national and strategic interests [9].



**Figure 1. The content and correlation of the processes of globalization, transnationalization and integration**

Pr im e h a n i e - compiled by the author according to the source [8]

## **Conclusion**

The country's position in the world hierarchy is based on the level of its involvement in the global technological division of labor in international re-productive relations, which in turn are based on clusters and many schools of competitiveness have contributed to the understanding of this phenomenon. The principal provisions justified by the main schools of competitiveness of industries, countries, regions can be stated as follows:

- the more developed clusters a country has in a particular industry, the stronger its position in the domestic and foreign markets. (The concept of an industrial cluster in space, the concept of national competitive advantages, the concept of 4 stages of the development of nations by M. Porter).
- the longer the value chains built within the framework of cluster relationships, the more competitive an industry or a segment of industries is in the global economy. (The concept of the interaction of the value chain and the cluster by R. Kaplinsky, R. Humphrey and H. Schmitz).
- multinational companies influence the competitiveness of countries and regions in the global economy. Direct investments of TNCs in the economy and industries of other countries are determined by the advantages of ownership, the advantages of location, the advantages of internationalization (The eclectic OLI-paradigm of J. Dunning).
- it is necessary to develop or attract to the territory of the country three stages of production and provision of services, which are characterized by high technological equipment and relatively higher wages than low-tech industries. At the same time, even if the industry as a whole is not characterized by high added value per worker, it is better to specialize within the production chain at those stages where the value added per worker is maximum. (The concept of the “index of the quality of economic activity” by E. Reinert).
- to increase competitiveness, it is necessary to develop intra-industry trade that increases economies of scale of production (P. Krugman's Theory of new trade).

These concepts are only a small part of a huge array of competitiveness studies and mainly represent its internationalized part.

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## **THE CURRENT STATE OF THE TOURISM INDUSTRY OF THE REPUBLIC OF KAZAKHSTAN**

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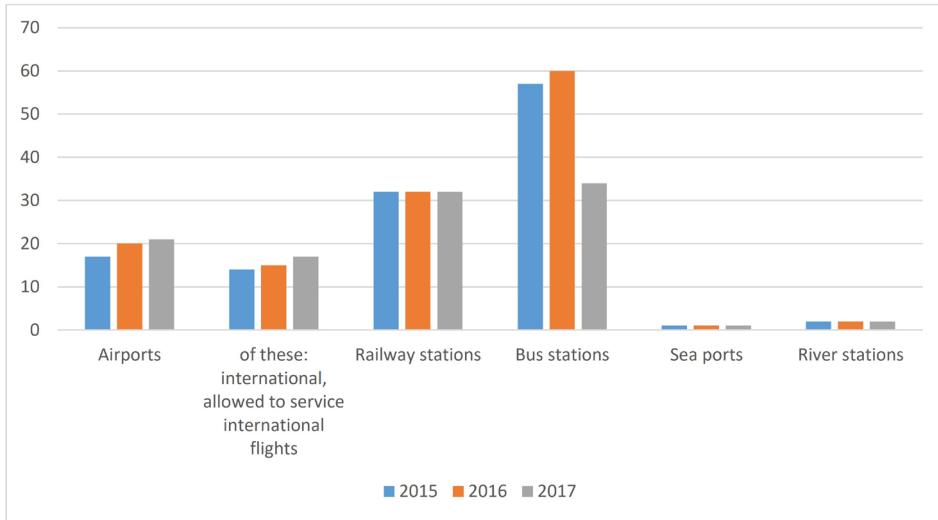
The tourism industry is multifaceted. Many enterprises, firms and organizations are involved in the service of tourists. The emergence of the tourist business is due to the intensive development of regional and international tourist exchanges and the strong disconnection of the consumer and the producer of tourist services (hotels, restaurants, etc.) both in time (advance acquisition and sale of tours) and in space (different countries, even continents of travel).

The development of tourism is greatly influenced by the transport infrastructure. Transport is a link between the individual elements of the tourism industry and contributes to its faster development. The transport infrastructure serves not only to ensure communication between tourist centers.

**Table 1 - Transport infrastructure of tourism of the Republic of Kazakhstan**

Infrastructure indicators	2015	2016	2017
Airports	17	20	21
of these: international, allowed to service international flights	14	15	17
Railway stations	32	32	32
Bus stations	57	60	34
Sea ports	1	1	1
River stations	2	2	2

It can also be used in everyday life by ordinary citizens without tourist purposes. The transport infrastructure in tourism in Kazakhstan is presented in Table 1 and Figure 1.



**Figure 1 - Transport infrastructure of tourism of the Republic of Kazakhstan**

Touching upon the problem of tourism infrastructure in Kazakhstan, it is impossible not to mention projects for the integrated development of infrastructure. These are such major breakthrough projects as the international tourist center “Zhana - Ile”, the tourist center in the free economic zone “Burbai”, the tourist center “Kenderli” in the Mangystau region. The Aktau City project is also under construction. At the moment, work has been completed on the construction of a road adjacent to the Aktau-Airport highway.

Active cooperation is underway with investors from Kuwait, Bahrain and the UAE, who express interest in this project. In the city of Turkestan, as the largest center of pilgrimage tourism, a historical and ethnographic park and a complex with a tourist service center, a historical and cultural museum complex, a souvenir production training center, a hotel with 60 seats, as well as an international trade and tourist center are being built.

The state of infrastructure at the present stage of tourism development in Kazakhstan can be assessed as satisfactory. There are the main elements of transport, communication infrastructure, accommodation facilities. But the existing infrastructure is not able to ensure the further development of tourism. It should also take into account the development of new tourist centers of international importance (Zhana-Ile, Kenderli, Aktau City, etc.), which do not have a tourism infrastructure at all. The creation of these tourist centers is actually happening from scratch. The level of infrastructure development

indicates the level of tourism development in general. Therefore, it is necessary to pay considerable attention to the development of infrastructure as an integrated basis of the tourism industry.

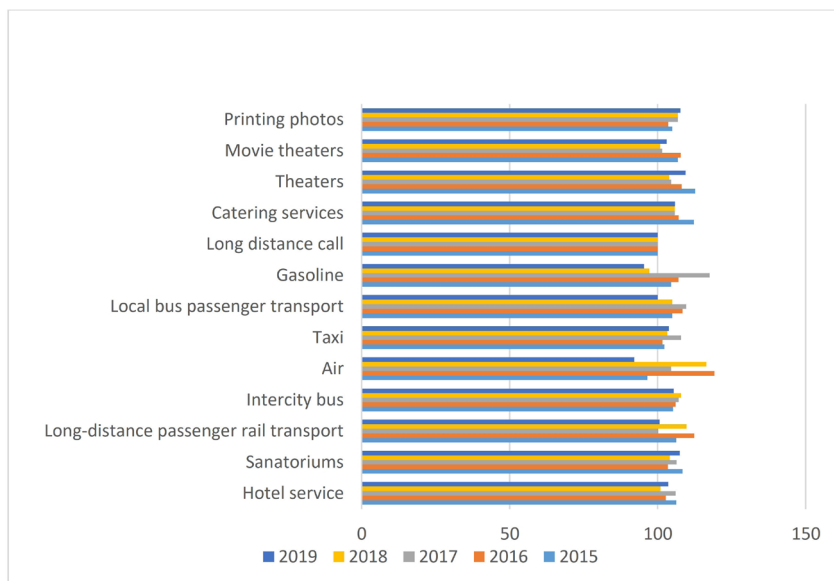
The dynamic and sustainable development of tourism can be evidenced by the growth rates of inbound and domestic tourism and the creation of a system of state regulation of tourism activities.

**Table 2 - Consumer price index (at the end of the period, as a percentage of December of the previous year)**

	2015	2016	2017	2018	2019
Hotel service	106,3	102,7	106,0	100,9	103,5
Sanatoriums	108,4	103,4	106,4	104,1	107,4
Long-distance passenger rail transport	106,3	112,4	100,2	109,8	100,7
Intercity bus	105,2	106,0	107,1	107,9	105,4
Air	96,5	119,1	104,6	116,4	92,1
Taxi	102,2	101,6	107,9	103,3	103,8
Local bus passenger transport	104,9	108,4	109,6	104,9	100,0
Gasoline	104,6	107,0	117,6	97,2	95,4
Long distance call	100,0	100,0	100,0	100,0	100,0
Catering services	112,2	107,1	105,8	105,8	105,9
Theaters	112,6	108,1	104,6	103,9	109,4
Movie theaters	106,8	107,8	101,5	100,8	103,0
Printing photos	104,9	103,5	106,8	106,8	107,7

According to the official statistics of the Bureau of National Statistics of the Agency for Strategic Development and Reforms of the Republic of Kazakhstan, a decrease in the consumer price index for the period 2019/2015 is observed for the following services: photo printing by 2.6%, in cinemas by 3.8%, in theaters by 3.8%, catering services by 6.3%, gasoline by 9.2%, local bus passenger transport by 4.9%, air transport by 4.4%, passenger rail transport over long distances by 5.6%, sanatorium by 1.0%, hotel services by 2.8%. The increase in this indicator takes place in these directions: by taxi by

1.6%, by intercity bus by 0.2%. For long-distance call services, the consumer price index remains absolutely stable. The consumer price index is presented in Table 2 and Figure 2.



**Figure 2 - Consumer price index (at the end of the period, as a percentage of December of the previous year)**

**Table 3 -Number of employees employed in the tourism sector, thousand people**

	2015	2016	2017	2018	2019
Activities of tour operators, travel agents and other organizations providing services in the field of tourism	7,3	7,2	7,3	7,4	7,4
Accommodation services	25,3	26,5	27,6	29,2	30,0
Activities of sanatorium-resort organizations	10,5	10,0	9,6	8,0	8,8
Activities for the organization of recreation, entertainment, culture and sports	68,2	70,2	71,8	74,9	75,4

Consider the change in the number of employees employed in the tourism sector, depending on the type of activity in the period from 2015 to 2019. The growth rate of the number of workers in organizations providing services in the field of tourism in the period from 2015 to 2019 amounted to 101.4%. The growth rate of employees providing accommodation is 118.5%. In the field of recreation, entertainment, culture and sports, this indicator is 110.5%. A decrease in the number of employees is observed in the activities of sanatorium-resort organizations. During this period, the decrease was 16.2% (Table 3).

In order to promote the country to the world tourism market, it is necessary to further implement measures to form an attractive tourist image of the country. A fundamental factor in the formation of a competitive tourist market is an effective advertising campaign to promote a domestic tourist product, which makes it possible to make inbound and domestic tourism a profitable component of the country's economy. Due to the lack of awareness of the tourist opportunities of Kazakhstan of the tourist-active population in many countries, the republic annually loses potential tourists and, consequently, budget revenues from tourism activities.

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## FEATURES OF BUSINESS INVESTMENT IN A PANDEMIC

### *Cechy inwestycji biznesowych w pandemię*

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#### **Abstract:**

*The article examines the state of investment in business development in the Republic of Kazakhstan in the event of a pandemic and analyzes the level of investment in business.*

#### **Adnotacja:**

*W artykule przeanalizowano stan inwestycji w rozwój biznesu w Republice Kazachstanu w przypadku pandemii i przeanalizowano poziom inwestycji w biznes.*

**Key words:** COVID-19, pandemic, norovirus, investment, foreign investment, investor.

**Słowa kluczowe:** covid-19, pandemia, norovirus, inwestycje, inwestycje zagraniczne, inwestor.

The global COVID-19 pandemic has affected Kazakhstan. One of its main manifestations is the global economic downturn. According to the latest forecast of the International Monetary Fund, in 2020 the world economy will fall sharply by 4.9%, and then grow by 5.4%. However, much still depends on the progress of humanity in the fight against the pandemic, and if it does not decrease by the end of 2020, the decline may continue in 2021. In this case, it is difficult to attract investments in a business to support its operation or development: investors are cautious, many of them withdraw capital from emerging markets.

Kazakhstan's financial platforms - international financial centers that promote market development and foreign investment by offering access to financing in various formats - can help in this.

The COVID-19 pandemic is reflected in the international experience of using foreign direct investment. At the same time, as a result of timely measures,

it was possible to attract \$ 17.1 billion of foreign direct investment to Kazakhstan in 2020, which slowed the decline in foreign capital inflows to 30%. In general, over the past 10 years, the annual inflow of investments into the republic, excluding the crises of 2015 and 2020, averaged about \$ 24 billion.

In addition, efforts were made last year to implement the projects already started. As a result, 41 investment projects with foreign participation were put into operation, more than 7,000 jobs were created for a total of \$ 1.6 billion. From their:

- Construction of a new airport in Turkestan region - YOTA Holding (Turkey, \$206 million);
- Construction of a tourist and hotel complex on the territory of Aktau - Sembol Construction and Engineering (Turkey, \$ 173 million);
- Construction of a 100 MW HPP in Zhambyl region - Total Ceran (France, \$ 130 million);
- Production of technical gases in the Karaganda region - Linde Group (Germany, \$ 83 million);
- Hyundai - production of Hyundai Trans Kazakhstan (South Korea, 58.5 million dollars); And
- Fifth generation greenhouse in Aktobe region (Phase 2) - Food Ventures (Netherlands, \$22.3 million).

According to forecasts, in 2022-2023. It is expected that the growth rate of foreign direct investment will return to the pre-pandemic level. According to statistics, in 2020, 90% of foreign direct investment came from 14 major donor countries: the EU (Netherlands, Switzerland, Belgium, France, Germany, Italy), the USA, Great Britain, Russia, China, South Korea, Turkey, Japan and the UAE.

Foreign direct investment decreased by 42% last year. The cash flow of investors to the developed countries of Europe, North and Latin America has significantly decreased. Although foreign direct investment is positive this year, it will not be possible to restore the previous dynamics. If in 2019 the volume of global foreign direct investment amounted to \$ 1.5 trillion, then last year only \$ 859 billion came from abroad to the economies of different countries, which is one third of the minimum registered investment volume after the global financial crisis of 2008-2009. it was not homogeneous. The countries with economies in transition (-77%), developed countries (-69%), North America (-46%) suffered the most. Developing Asian countries withstood the financial storm and lost only 4% of FDI. According to the UN, Kazakhstan has not lost its position on foreign direct investment.

Forecasts based on announcements of mergers, acquisitions, and project financing in 2021 give an ambiguous picture of future trends and confirm weak dynamics.

This year's prospects for developing countries are of great concern. The number of announcements of new projects decreased by 46%, financing of international projects by 7%. These types of investments are very important for the development of production facilities, infrastructure and, consequently, for the prospects of sustainable recovery.

Today, Kazakhstan has a three-level investment attraction system, within which the country's investment programs have been developed for all foreign institutions of the external perimeter for a period of 5 years. It clearly defines the number of industries and companies to target. This method of individual work allows our embassies, for example, to work with 150-200 interested investors per month.

The coronavirus pandemic has highlighted the need to ensure economic security, and therefore additional efforts will be made to attract investment in the pharmaceutical, manufacturing and food industries. In addition, the main attention in the implementation of the investment policy will be paid to areas of great interest to foreign investors, such as logistics, digital and «green» technologies, exploration of new deposits and others. Thus, in the future, investors are expected to show great interest not only in attracting capital to the manufacturing sector, agriculture, but also to increase productivity and innovation. It is planned to increase the flow of advanced technologies to create a closed-cycle economy based on decarbonization and renewable resources, in particular, the use of «green» hydrogen. The realization of the country's transit potential, which grew last year, will increase. On behalf of the Ministry of Foreign Affairs, the Investment Committee considered ways to attract investments and developed a number of systematic and operational measures.

As part of systemic measures, global investors and international financial development institutions are being revived, platforms for the Council of Foreign Investors, the Council for Improving the Investment Climate, as well as meetings on the Kazakhstan-European Union dialogue platform are emerging.

The operational approach involves the execution and support of specific investment transactions in the short term. For this purpose, a new algorithm for investment management and targeted work with investors was introduced. In addition, a rating of regions will be conducted annually to achieve them and implement the investment plan.

According to the Investment Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan, in order to increase the convenience of investors, state services for the conclusion of investment contracts have been automated. Thanks to the transition to online mode during the pandemic, we managed not only to keep the number and number of contracts for 2020 at a record level, but also to increase it. As a result, 56 investment contracts totaling 635 billion tenge were signed during the year, which is the highest figure for the last 10 years. In particular, 8 contracts worth 51.2 billion tenge were signed in the manufacturing industry.

2021-2022 After the outbreak of the COVID-19 pandemic, the economic and social situation in the country will improve. I think that with the help of the Investment Committee of the Minister of Internal Affairs of the Republic of Kazakhstan and other financial platforms, the situation in the country can be corrected. With the help of foreign investors, every sector of the economy will develop and reach its peak. I am sure that the introduction of this three-level investment system will make a significant contribution to the country's economy.

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# ECONOMICS OF ENERGY EFFICIENCY IN DEVELOPING COUNTRIES

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## **Abstract**

*Developing countries' energy has had an exceedingly high demand for growth. Improving energy efficiency will be a great antidote to inflation in the economy, especially in low to medium-income countries, the energy efficiency can cause strain between the objectives of a country in terms of increasing its gross domestic product and the sustainable development agendas of different nations. The research will review shreds of evidence through tables and charts of both the private and the social advantages of improving the energy efficiency of low to medium-income countries. Furthermore, there will be a highlight on the work done by energy subsidies, maintaining unreliable power supply and the capital limits may play in the low investment in energy efficiency.*

## **Introduction**

In recent times, technological advancement has reduced the required energy, especially in providing services concerned with power. In developing countries, progress made on energy efficiency causes the need to achieve their economic objectives, yet the sustainable economic development commitments may cause some tension in achieving their goals. Emerging questions that arise from the increasing demand for energy efficiency include; which investment in energy efficiency will produce the highest private and social returns and aid in achieving the economic objectives of that nation? Are there policies that developing countries need to embrace to increase and improve those particular investments? Finally, who will benefit when these policies are made and the assets are easy and quick to access?

## **Energy Saving policies**

Policies to reduce energy expenditure help developing countries improve their energy efficiency investments, increasing their ability to reach their economic objectives. Customers prefer more efficient appliances in low to medium-income countries. In a case study of Mexico, there has been a rapid



increase in energy-efficient technology, showing a total increase in sales from 2.8 in 2017 to 3.2 in 2018.

According to ESI Africa (2016), African countries have embraced mainly more efficient appliances due to the increased efficiency of professionals. According to Amol Phadke et al. (2015), the analysis presented just twenty-five watts of solar power. This research showed that highly efficient technological devices reduce the cost of providing off-grid electricity services by fifty per cent. Senegal has adopted solar irrigation among farmers of rice. Bensch et al. (2015) found that reduced firewood consumption in Senegal by thirty per cent. A traditional stove replaced a conventional one with a better and more efficient version.

## **Energy Demand Rebound Effects**

The rebound effect is that improvements in energy efficiency provide small decreases in energy consumption due to the social impacts. The rebound effect occurs in social systems of technological advancements, such as demand and supply and the transport industry. According to Riahi et al. (2015), a widespread resource constraint is expected in future decades, has been caused by the reduction in stocks of non-renewable natural resources such as fuels from fossils, oil, minerals mined and natural gas,

## **Natural and Capital Resources**

Capital is a liquid asset that generates a steady flow in income, according to Mancini et al. (2017). Natural capital refers to natural resources that create flow and can be used in the social systems of technology.

## **Benefits of Energy Efficiency**

For energy efficiency to increase, it is essential to emphasize reducing energy consumption. Allcott et al. (2017) researched that there are basic sources of benefit from investment in energy efficiency among high-income countries. However, in low and medium-income countries, other significant benefits are essential, and failure to recognize them will highly underestimate the social significance of energy efficiency in the economy. There are three potential sources of advantage: better energy services accessibility, effects on the health of the local citizens, and enhancement in the industrial productivity of the developing country.

## **Improved Access to Energy Services**

Government policies should prioritize improved access to affordable energy services and reliable energy sources. Electricity supply from off-grid sources is low on capacity. Whenever there is a constraint on supply, returns from consumption of an energy-efficient investment can show through reduced cost of services or increased consumption of the service.

## **Health impacts on local citizens**

In low and medium-income countries, energy improvements may include fuels such as firewood and charcoal to a cooking stove that conserves energy. It reduces indoor air pollution generated by natural energies such as firewood and charcoal, leading to deaths in developing countries. Evidence from Hanna et al. (2016) on the benefits of improved cooking stoves found that they had no long-lasting health improvements in India. Therefore, the consumers opted not to maintain the stoves thus did not continue using them.

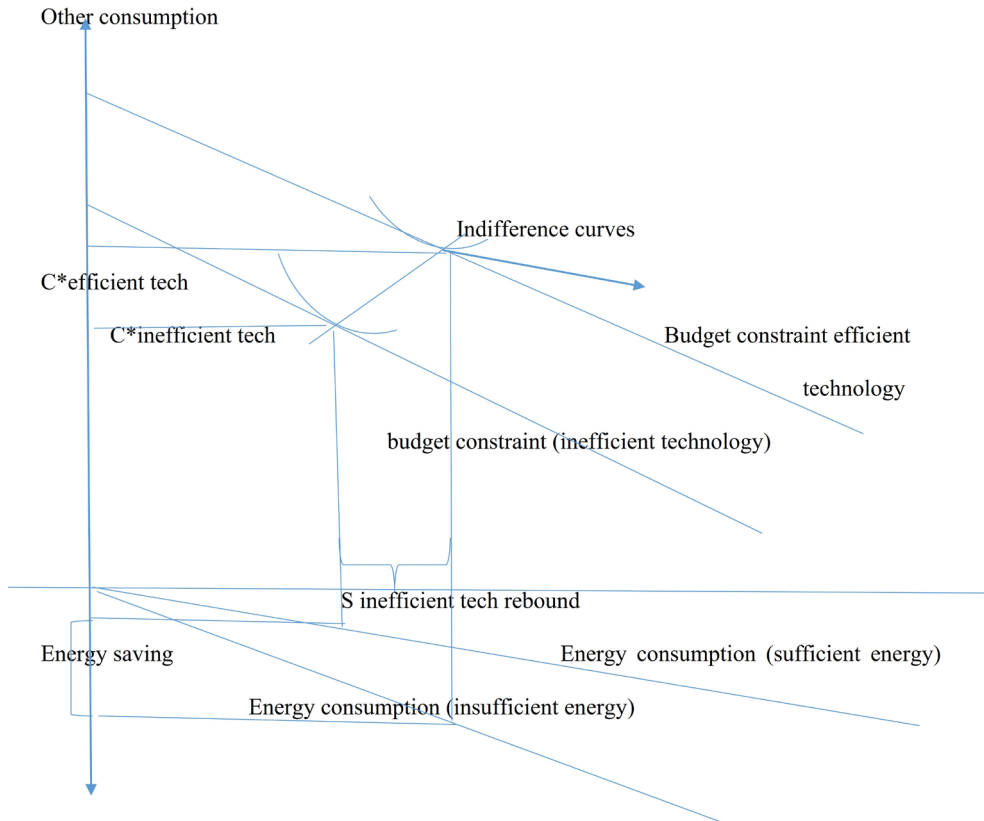
## **Enhancement in Industrial Productivity**

Industrial productivity is a very vital factor in the economy of any nation. One important source has been traced to the effects of better lighting on working conditions. In high-income countries, there is the ready availability of air conditioning to ensure comfort for the employees. In developing countries, it is common for factories to operate without cooling (Somanathan et al., 2021). Implications on industrial productivity can be seen because high temperatures due to the lack of proper cooling systems reduce productivity. Adhvaryu et al. (2020) found improved worker productivity due to an increase in lighting in India. They concluded that the increase in productivity resulted from improved working conditions.

## **Conceptual framework**

This model shows the relationship between four critical concepts that have been evaluated in the literature: saving of energy, rebound effects on demand of power, the realization gap on energy-saving, and consumers' willingness to buy, for an improvement in efficiency in the remainder of the section, we summarize the empirical evidence on these concepts.

Considering an example of a household choosing between a low energy-efficient appliance and a high-efficiency lighting appliance. The more efficient device requires less electricity each hour of lighting



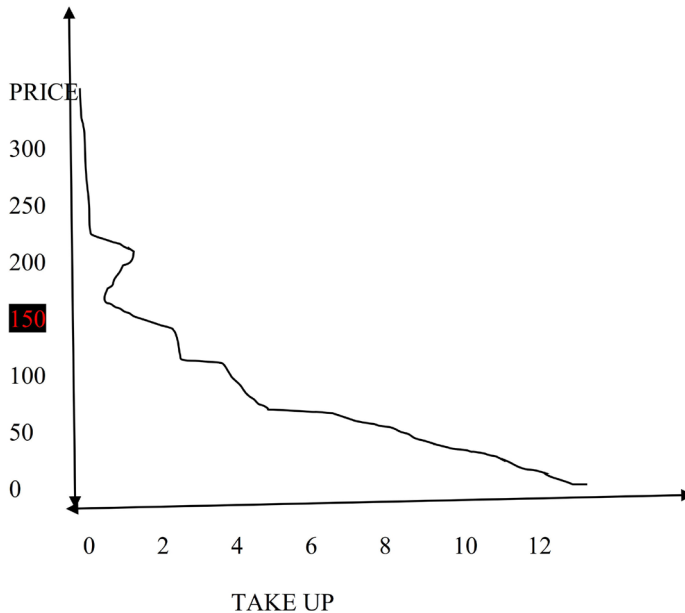
The household utility depends on its consumption of lighting services and all other consumptions (denoted by C) at the top of the panel of figure 1. The unit price of “other consumptions” Assumes that the household allocates a certain daily income toward lighting expenses and other consumption. The indifference curves found in the top panel show the connection in different combinations of S and C that result in the household’s same level of usefulness. The household’s budget constraint depicts which choices in consumption are affordable given the energy price, the price of the costs in which goods are measured, daily income, and the level of efficiency of the lighting appliance purchased by the household. Figure 1 shows that the budget limit associated with the more efficient device is less steep because more energy services can be purchased with a fixed income.

The household chooses the consumption bundle that maximizes utility given the budget constraint. These choices are denoted as  $S^*$  and  $C^*$ . The figure shows two types of advantages generated by efficiency advancements. The first is a reduction in energy used .shown as energy savings and therefore energy expenses. A reduction in energy expenditures due to decreased power usage shows that the household has more to spend on other expenses. A second advantage is increased consumption of energy.

An Estimate of consumer’s willingness to buy using experimental data

Table 1 figures represent the estimated gross present value of the advantages of compact fluorescent lamps adoption. The y-axis depicts the estimated direct energy savings and the associated reduction in expenditure on household electricity. The average net present value over two years is two hundred and sixty-eight kilograms per household, which is more than double the market price of the Compact fluorescent lamp.

	6 years	4years	2years
Lower bond	606	462	268
Higher bond	916	692	396

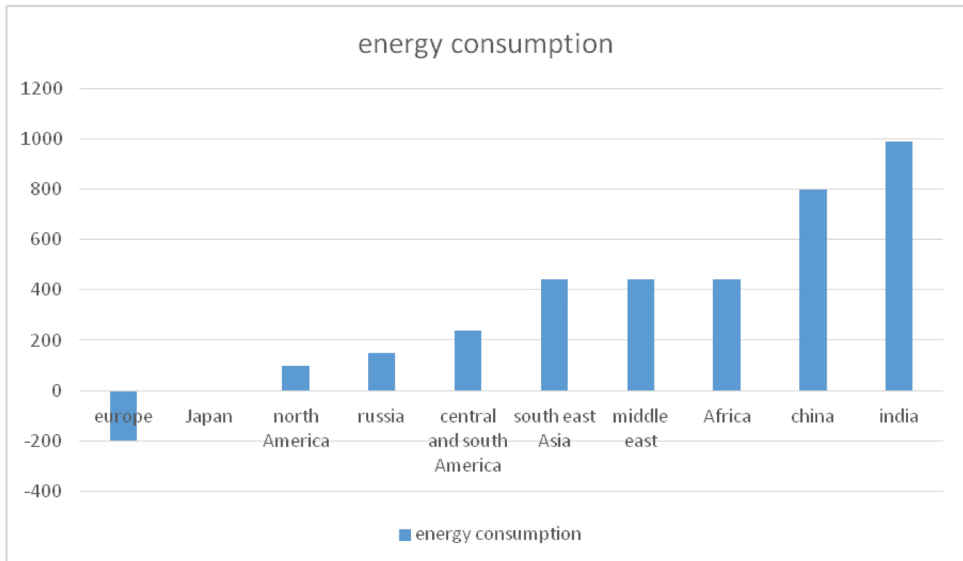


**Figure 2. Demand for Compact fluorescent lamps. Graph created using data collected by (Carranza et al., 2021). The figure shows consumers’ willingness to buy one Compact fluorescent lamp, as measured through bids made in an experiment using the (Becker et al., 1964) method.**

## Conclusion

In conclusion, as becomes develops and incomes increase, the demand for energy services in low and medium-income countries will improve. This study has reviewed the social and individual advantages of energy efficiency in developing countries and government policies and their importance in improving energy efficiency in low and medium-income countries. The use of advanced and energy-efficient fuel is also an important aspect that will help improve the level of efficiency in the economy of developing countries since a comfortable workforce can work better, compared to employees who live in areas that are hot with no cooling systems.

## Appendix



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# THE DEVELOPMENT OF ACADEMIC ENTREPRENEURSHIP AND THE EVOLUTION OF MODELS OF INNOVATION

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## ***Annotation***

*This article presents the main models for the development of academic entrepreneurship. It provides understanding of the academic entrepreneurship concept, its forms and mechanisms. It provided main characteristics of knowledge production and transfer models, from Mode 1 to Mode 3. Article shows peculiarities of Triple helix concept of university engagement into innovation processes.*

**Key words:** *academic entrepreneur, innovation, small innovative enterprises.*

## **Academic entrepreneurship**

Academic entrepreneurship is relatively new concept for economic theory. From a traditional point of view “Academic entrepreneurship” means “university spin-off” or institutional transfer of research, development or technology to initiate innovation or venture. Wherein university spin-offs are defined as new ventures that are dependent upon licensing or assignment of an institution’s IP for starting their activity (Wright, 2007).

The term “academic entrepreneurship” is correlated with university employees and students. Academic entrepreneur is a university scientist, most often a professor, a post-doc researcher or PhD student who sets up a business company in order to commercialize the results of the research (Barcik et al, 2017). Academic entrepreneurship as a process includes the efforts and activities that universities and their industry partners undertake in hopes of commercializing the outcomes of faculty research (Wood, 2011).

An academic entrepreneur independently determines the profile of the studies, conducts research and at the same time works as an entrepreneur. Combining academic education, research activities and, an entrepreneurial



mindset, the academic entrepreneur acts to create income, profit and self-employment. In a society, the academic entrepreneur is the link between the scientific sphere (knowledge-driven) and the commercial (innovation-driven) world. The essential qualities for an academic entrepreneur are creativity, a wealth of ideas, and connections both within a scientific discipline and in related disciplines (or know-how). (Bartels & Bencherki, 2020).

In most cases, academic entrepreneurship takes place as a spin-off or start-up by commercializing innovative ideas, developments that have already been created in universities or are still being created. Thus, university spin-offs or start-ups in advanced economies have significantly influenced changes in the field of scientific research over the past 30-40 years. Academic entrepreneurship in the form of a start-up or spin-off has the main goal is to establish the necessary connection between the scientific world and private enterprises and thereby satisfy the demand of society for new products, services and ideas (Evers et al, 2020).

In advanced economies spin-offs' are driven mainly by the growing demand from private enterprises, nongovernmental organizations or the public sector for new knowledge and know-how from the academic sector. The commercialization of knowledge in the form of spin-off provides some potential benefits for the regional ecosystem (Benneworth & Charles, 2005), namely:

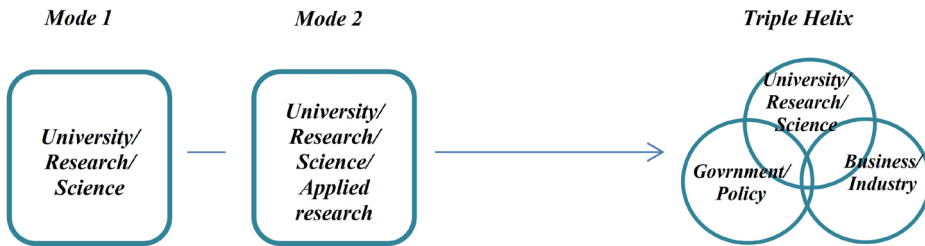
1. Spin-offs attract employers, paying good wages and promoting entrepreneurship (Etzkowitz, 2001).
2. Spin-offs create new networks to access project financing.
3. Spin-offs help universities with their third mission and make strong linkages with "parent" institution.
4. Spin-offs' activity can impact on the development of regional ecosystem;
5. Spin-offs stimulate creation of an infrastructure which is useful for other new companies in the region.

The study of academic entrepreneurship in the United States (Link et al, 2015) showed that in most cases, academic spin-offs are founded by professors, with subsequent involvement of research scientists, academic directors and executives. This way of formation of scientific entrepreneurship is associated with changes in innovation models (Figure 1). Figure 1 shows changes occurring in the production of knowledge and innovation, as well as in new fields of activity created by academic entrepreneurs, which lead to an increase in the demand for new knowledge and know-how.

Modern government and enterprise strategies foster direct collaboration with universities, mostly in the form of the creation of university spin-offs. As a consequence, universities are developing towards a new "mode" of knowl-

edge production. Before, the functions of the teaching staff were limited to conducting scientific research with limited opportunities of its practical implementation. The “old” system (Mode 1) was characterized by the predominance of theoretical science (Novotny, 2003). The main outcomes of scientific research were publications in scientific and technical journals and reports at conferences, which are evaluated by colleagues.

The “new” model (Mode 2) begins to take into account the commercialization of the results of scientific research. The outcomes of scientific and technological progress are becoming demanded by society (Sitenko, 2018). This evolution is forcing research laboratories to build partnerships with industry, prioritizing applied research as a way to finance their activities along with their core research costs. In “Mode 2” enterprises have to pay to use the research results that were available free of charge under the old “Mode 1” model. On the other hand, firms also have the ability to direct the research and development work of public laboratories according to their own development strategy, provided that they are able to pay the costs of technology development.



**Source: based on: Etzkowitz, H. and Leydesdorff, L. “The dynamics of innovation: from National Systems and “Mode 2” to a Triple Helix of university–industry–government relations.” Research policy 29.2 (2000): 109-123.**

So, Mode 2 gave a new basis for the relations between main agents of innovation process – the Triple Helix concept by G. Etzkowitz with L. Leydesdorff (1997). According to the concept, successful innovation development is based on the interaction of main groups of actors of innovation systems: university, business and government. University is involved in the development of innovation, organizes the cooperation with industry, business, largely by taking the functions of their research units. Classical university turns into an entrepreneurial (innovation) university, developing the business principles in students and academic staff with focus on final implementation of generated inventions and ideas (Sitenko, 2019).

Useful insights can be found in the further developments of the Triple Helix concept, which were named as Quadruple and Quintuple Helix (Carayannis & Campbell, 2009). They add civil society and environment respectively, forming new understanding of university as “organization capable of higher order learning” as well as knowledge as “highly complex and non-linear” (Mode 3) (Carayannis, et al, 2018).

So, within the framework of the innovation model “Mode 2” non-university institutions have taken on a new role for knowledge creation and production. Table 1 summarizes the differences between Mode 1 and Mode 2.

**Table 1. Main differences between innovation models Mode 1 and Mode 2**

Mode 1	Mode 2
Industrial economy	Knowledge economy
Plans are formed in the academic environment	Plans are formed in a wider context
Problems are solved in the academic sector	Knowledge is produced in the context of its further application
Organizational structures hierarchical	Horizontal, flexible organizational structures
The system is based on constantly operating institutions	The basis of the system is temporary networks
Knowledge production is carried out in special institutes	Knowledge production takes place in different sectors of the economy
Low level of responsibility knowledge producers	High level of responsibility and reflection
The peer review system will include only representatives of the academic community	The peer review system includes a variety of clients
Source: based on: GIBBONS, M. et al. The new production of knowledge: the dynamics of science and research in contemporary societies. London: Sage Publications Ltd, 1994	

Mode 2 includes a larger number of agents whose collaborate temporary which other. In this situation there are no pure “science” of university and “technology” of industry (Jimenez, 2008). The production of knowledge became more a “socially distributed” process.

New Mode 3 has main characteristics of Mode 2, but it closely linked to current societal needs. According to the Carayannis & Campbell (2009), Mode 3 is some kind of innovation ecosystem which combines people, culture and

technology. In this ecosystem people may do creativity and inventions within top-down (policy-driven) as well as bottom-up (entrepreneurship-driven) linkages. Mode 3 pays more attention not on agents of innovation system but on the networks that may connect them on different levels.

## **Developing of academic entrepreneurship concept**

In practice, universities that adopted technology transfer strategies receive different outcomes that are sometimes disappointing, because university innovation infrastructure functioned as a facilitator for existing entrepreneurial activity, not as a trigger for it (Fisher et al, 2019). This demands a further research of the academic entrepreneurship concept. From the one side, more stakeholders have become involved in academic entrepreneurship (Siegel and Wright, 2015). From the other side, the process of commercialization of academic knowledge may differ because of level of economic development of the country. Siegel and Wright (2015) provide a new context for the concept with traditional and emerging point of view (Table 2).

**Table 2. Traditional and emerging perspectives on academic entrepreneurship**

	Traditional perspective	Emerging perspective
Purpose	To generate direct financial returns	To provide a wider social and economic benefit to the university ecosystem
Forms	Academic spin-offs; licensing; patents	Student and alumni start-ups; entrepreneurially equipped students; job creation in the local region or state
Participants	Academic faculty and post-docs	Students; alumni; on-campus industry collaborations; surrogate entrepreneurs
Support mechanisms	TTOs; science parks	Accelerators; Entrepreneurship garages; student business plan competitions; collaborative networks with industry and alumni; employee mobility; public-private 'incubators'

**Source: based on: Siegel, Donald S., and Mike Wright. «Academic entrepreneurship: time for a rethink?.» *British journal of management* 26.4 (2015): 582-595.**

Traditional views on the academic entrepreneurship focused on such metrics as the establishment of TTOs, use of patents and licensees and promoting university start-ups/spin-offs. Despite that universities were highly effective,

some studies concluded that many TTOs were inefficient, and had low capabilities to be successful in this arena (Siegel and Wright, 2015). Emerging perspective shows that universities may impact socioeconomic environment in many other ways by creating new infrastructure and on-campus support mechanisms which should be studied.

There is rising interest in academic entrepreneurship in developing countries (Gamata & Urban, 2020), but the empirical evidence (Fisher et al, 2019) reveals that countries concentrate more on the identification and protection of IP than on creating start-ups. Low levels of academic entrepreneurship at universities are explained by a weak set of institutional and organisational factors which inhibit the commercialisation and technology innovation process (Boshoff et al. 2018; Chantson and Urban 2018).

## Conclusions

Academic entrepreneurship concept is still in uprising interest of researchers and economists. Most HEIs try to develop entrepreneurship to increase their competitiveness and expand financial flows. Emerging perspective for the development of academic entrepreneurship assumes expanding the participants, forms and support mechanisms.

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# CONSEQUENCES OF THE IMPACT OF THE COVID-19 PANDEMIC ON THE ECONOMY OF THE REPUBLIC OF KAZAKHSTAN

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## **Abstract**

*Considering the consequences of coronavirus, it is necessary to note the key points: the epidemic itself is not as dangerous as the consequences of fighting it, primarily for economic development. Following the impact on the economy are two other, less obvious, but more profound aspects – the consequences for China’s emergency response system and, more broadly, the country’s governance, as well as the impact on China’s international positioning.*

**Keyword:** Covid-19, economy, recovery

The rapid spread of the COVID-19 coronavirus raises serious public health concerns. The infection leads not only to humanitarian but also significant commercial consequences at the global level. Viruses don’t know and their impact will spread. Disappearance of the epidemic.

We surveyed more than 60 directors of SME and big business, a number of banks, development institutions, and business associations in Kazakhstan.

The main goal of our analysis was to try to understand whether the measures of state support related to COVID-19 were sufficient, how effective they were (from a business standpoint), and whether business had any constructive proposals to improve this system? The state of emergency and COVID-19 quarantine measures have had a negative effect on Kazakhstan business:

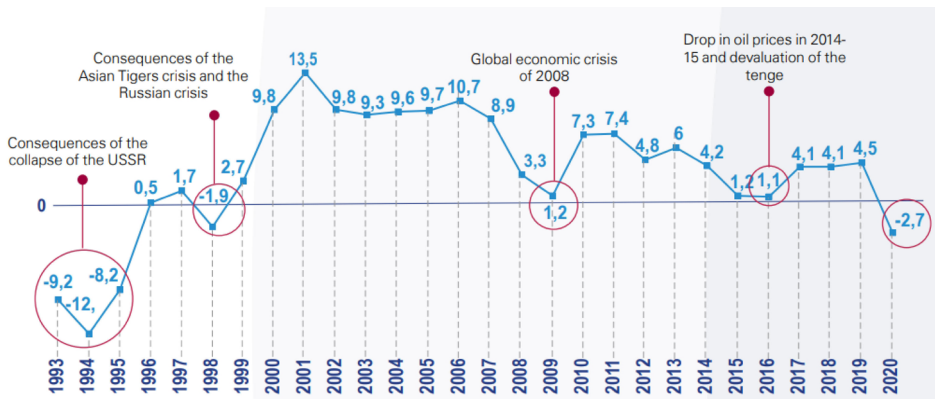
- About 300 thousand entities have suspended operations;
- 1 million business entities have suffered directly from the pandemic, mainly in the services and trade sectors;
- More than 1.6 million people were sent on leave without pay;
- About 14-15 thousand SME with bank loans have requested a deferral;
- 4.5 million people have received a social benefit of KZT 42,500.



The business found itself in a situation when it was impossible to plan its operational activities. In such case, support can only be targeted from the state. Overall, respondents rated the quality of state support for business as «below average».

Executive Summary:

- The IMF forecast on the real reduction in GDP in 2020 was revised downward, from 2.5% to 2.7%.
- The drop in oil income and consolidation in the tax and budget sector has led to a worsening fiscal position. Economic diversification (lower dependence on oil) is essential.
- Government spending in 2020 will be almost double budgetary revenues (not including transfers from the National Fund).
- Only 30% of small and medium enterprises affected by the coronavirus pandemic can obtain state support. For the remainder, assistance was not accessible.
- Among the measures announced by the government, there are none aimed at supporting big business, even though big business accounts for 80% of the country's tax revenues and more than 60% of its jobs.
- The majority of respondents consider the lack of a unified information portal for government support and a single operator for each program to be one of the key barriers to participating in government support programs.
- About 90% of respondents believe that it is essential to expand industry criteria and to re-engineer state support programs for business.
- The upcoming “second wave” of infections and the likely continuation of the already-announced second quarantine will have an adverse effect on Kazakhstan's GDP, solvent demand, and how long it will take businesses to come out of the recession.
- Enhancing the performance of existing and newly announced government support measures would make it possible to improve the business situation even given the current level of funding (nonetheless, additional support will also be necessary).
- The government and business need a single platform for constructive and transparent dialogue: only direct discussion by experts, and prompt, sufficient support for business will help the country to recover from the crisis and lay the groundwork for sustainable long-term growth.



**Figure 1. Dynamics of Kazakhstan's real GDP**

Decrease in GDP of Kazakhstan. According to the EBRD forecast, the decline in Kazakhstan's GDP in 2020 will be (-3%), which is higher than the initial forecast of the IMF (-2.5%). In accordance with the new forecast of the IMF, the decrease in Kazakhstan's GDP in 2020 will be (-2.7%) It is also expected that in the absence of the second wave of COVID-19, in 2021 the national economy will grow by 4.1%

High volatility in oil prices. In April 2020, the price of Brent crude oil fell to its lowest level in 18 years and reached \$ 19 per barrel. However, in June the oil price almost doubled in comparison with the April figures. The growth in oil prices is due to the decision of OPEC + to cut production from May to 9.7 million barrels per day. From August 1, 2020, the overall decline in oil production by OPEC + countries will amount to 7.7 million barrels per day Due to rising oil prices, the tenge strengthened its position against the US dollar and returned to the March level of 405.7 tenge per US dollar as of as of 6 July 2020

Increase in the state budget deficit. As a result of the resulting budget deficit of 8.2 trillion tenge (excluding transfers from the National Fund) or 3.4 trillion tenge (including transfers from the National Fund), the state. debt may increase by 3 trillion tenge, or from 25% to 29% of GDP, and will reach a historical maximum since the independence of Kazakhstan. At the same time, the debt to GDP ratio of Kazakhstan is one of the lowest in the world.

The current situation with COVID-19 is likely to cause one of the deepest crises in Kazakhstan since the collapse of the USSR, since COVID 19 caused a global economic crisis, the scale of which is still difficult to fully assess.

Based on a comparative analysis with other countries, the quarantine period in Kazakhstan may be 2-2.5 months.

The most vulnerable in the current market environment feel the participants in such segments and sectors of the economy of Kazakhstan as SMEs, non-food retail trade, the aviation industry, oil and gas, mining, transport, electricity, and services.

Measures to reduce administrative costs were taken by 74% of the responding companies. About half of the respondents are actively working on optimizing purchases (restructuring accounts payable, optimizing the supply chain, revising the order book and transferring part of the volume of purchases to a later date). Optimization of labor costs was mainly carried out by companies in the aviation, financial sectors and retail trade.

Companies in all sectors of the economy (except for the telecom sector) have put on pause the implementation of capital-intensive investment projects or are in the process of revising towards more “budgetary” solutions for the implementation of these projects.

Most market players develop and implement an anti-crisis action plan, plan to revise the development strategy. 58% of companies surveyed are revising their strategic development plan for the coming years in connection with the situation caused by the coronavirus. One of the directions of changing development strategies, the companies noted the focus on accelerated digitalization of business and sales channels in the near future.

Representatives of large Kazakhstani business consider the announced measures of state support insufficient and expect support in terms of tax breaks (including VAT refunds for export-oriented enterprises and companies in the aviation sector), reimbursement of part of the costs, as well as the provision of concessional lending.

About 86% of respondents believe that a gradual return to pre-crisis positions will take place no earlier than 3-4 quarters (or later), which suggests that the consequences of the crisis may be felt in 2021 as well.

The crisis will cause a significant change in the behavioral reactions of people and the need to rethink the government’s approaches to ensuring health security. In addition, the crisis will also significantly change the business landscape and adjust the strategic goal-setting both on the part of the state and business. The global economic crisis and declining consumer power are the main concerns among the responding companies.

The devaluation of the tenge, caused by a fall in oil prices and a decrease in demand and prices for base metals, negatively affects the effective demand

of the population, while strengthening the competitive positions of enterprises in export-oriented industries in Kazakhstan.

Some respondents noted a significant improvement in the environmental situation, the beneficial effect of the self-isolation regime on the growth of productivity, as well as the “outside view”: rethinking the balance of personal, family and business components of their lives.

In conclusion, I would like to say that in the context of sluggish demand and low oil prices, sustainable economic recovery can be facilitated by improving the efficiency of public administration and services, including the use of electronic platforms for the provision of basic public services, mobilization of resources through improved tax administration and the use of a review and redistribution mechanism, budgetary resources in favor of effective government programs. A renewed focus on reforms in logistics, digital communications and the financial sector could support the private sector in seeking new opportunities.

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# THE STRATEGY OF TECHNOLOGICAL DEVELOPMENT OF THE MINING AND METALLURGICAL COMPLEX

## *Strategia rozwoju technologicznego kompleksu górniczno-hutniczego*

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### **Abstract**

*The article discusses the stages of implementation of the strategy for the technological development of the mining and metallurgical complex of the Republic of Kazakhstan. The implementation of each stage is represented by a sequence of activities aimed at the formation and development of the main components of the technological development strategy. It also discloses the tools to ensure a balance of external and internal factors in the implementation of the strategy of technological development.*

### **Adnotacja**

*W artykule omówiono etapy realizacji strategii rozwoju technologicznego kompleksu górniczno-hutniczego Republiki Kazachstanu. Realizacja każdego etapu jest reprezentowana przez sekwencję działań mających na celu ukształtowanie i rozwój głównych elementów strategii rozwoju technologicznego. Ujawnia również narzędzia zapewniające równowagę czynników zewnętrznych i wewnętrznych w realizacji strategii rozwoju technologicznego.*

**Key words:** mining and metallurgical complex, strategy of technological development, innovative development of metallurgy, industry 4.0, state regulation of metallurgical production

**Słowa kluczowe:** kompleks górniczno-hutniczy, strategia rozwoju technologicznego, innowacyjny rozwój hutnictwa, przemysł 4.0, państwowa regulacja produkcji hutniczej

The implementation of the Strategy “Kazakhstan-2050” in the field of the formation of the economic policy of the new course, in particular in the field of metallurgy, requires a radical change, first of all, the state organizational and economic mechanism of regulation, the main purpose of which is to increase the competitiveness of the industry<sup>1</sup>.

It should be noted that in modern technological processes implemented at metallurgical plants, multiple transformations of material and energy flows are carried out in order to obtain the required products. Hence, it is obvious that efficiency in this case is determined by the possibilities of joint management of the transformation of all three listed components - materials, energy and information, i.e. the volume of metal products of a given quality with minimal cost and resource intensity. In addition, the efficiency of a modern metallurgical enterprise is characterized not only by current technical and economic indicators, but also by the speed of adaptation to changing market needs, innovative potential, and susceptibility to advanced technologies.

The modern development of the world metallurgy is characterized by radical changes associated with a sharp acceleration of scientific and technological progress in the field of production technologies and the quality of manufactured products. The driving force of this process is the innovative nature of capital reproduction, based on scientific achievements, rapid development of new technologies for the production of modern competitive metal products. Kazakhstan needs to develop high technologies in the domestic manufacturing industry, the main share of which is occupied by the export-oriented metallurgical complex.

The choice of priority areas of research and development plays an important role in the corporate innovation strategy. Taking into account the complexity of the problems being solved in the metallurgical industry, their wide range, close connection with the globalization of the economy, the stimulation of new metallurgical industries should be based primarily on economic management methods, provide conditions for the economic interest of metallurgical enterprises for the development of 4-5 repartitions.

The practical implementation of the strategy of technological development of the mining and metallurgical complex is based on the creation of all appropriate conditions. In this regard, we assume three main stages of the implementation of the strategy of technological development of the mining and metallurgical complex:

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<sup>1</sup> *Real sector of Kazakhstan's Economy: Industrial and Technological Transformations*, ed. A.A. Satybaldina, Almaty, 2016, p. 254.

- Stage 1 of institutional improvement - 2022-2024 - (improvement of the regulatory framework, formation of economic conditions aimed at structural transformation of metallurgy, foresight positioning of MMC in domestic and foreign markets);
- Stage 2 of modernization of existing metallurgical enterprises and development of new mini (micro) metallurgical plants - 2025-2035 - (renewal of the production apparatus of metallurgical companies, full use of production capacities, diversification of metallurgical production taking into account the needs of the domestic and foreign market, import substitution and increase in the export potential of the country);
- Stage 3 of the innovative development of metallurgy - 2035-2050 - (the formation of new high-grade industries that ensure the growth of output of high commodity readiness in the metallurgical complex, the introduction of effective environmental, resource- and energy-saving technologies of the 4th and 5th grades).

Already in the medium term, Kazakhstan's metallurgy will face both restrictions on efficient production assets and energy restrictions on significant economic growth.

At the 1st stage of 2022-2024, it is necessary to start implementing an economic policy based on new principles. In the metallurgy of Kazakhstan, it is necessary to form a regulatory and legal space to determine the specific responsibilities of government departments in this area. Deregulation of the economy, guarantees of property rights and equal conditions of competition should become the main motives of economic policy. It is necessary to take measures to overcome the fundamental problems of the regulatory framework, which, first of all, include:

- fragmentary legislation;
- the contradiction between the existing tasks of state regulation and the powers of the state to implement them;
- inconsistency of norms contained in various areas of legislation (labor, budget, tax);
- ineffective practice of implementing existing legislation.

The main principles of the development of the regulatory legal framework for strengthening institutions that provide conditions for normal economic activity and protection of property rights should be:

- continuity in the development of the regulatory legal framework;
- the complexity of the development of legislation, taking into account the peculiarities of each sphere of regulation;



- informing about planned changes in legal regulation;
- establishment and strengthening of measures of economic and administrative responsibility.

In general, in modern conditions, the improvement of the regulatory framework for the development of metallurgy of the Republic of Kazakhstan should be implemented on the basis of the application of the following basic principles:

- competitive market as the main regulator of economic development;
- minimization and optimization of state intervention in the economy;
- openness of the economy;
- liberalization of economic activity at the micro level.

In this regard, in the future, the main tasks of the state's structural policy are:

- increasing innovation activity and advancing the development of the high-tech sector of the economy;
- promote the development of higher and secondary specialized education that meets the needs of modernizing traditional and developing "new" sectors of the economy;
- reduction of transaction costs of enterprises' activities due to the development of institutions for the markets of goods, services, labor and capital, the formation of an infrastructure for supporting entrepreneurial activity;
- stimulating the processes of clustering enterprises, improving their efficiency, facilitating the integration and formation of large efficient and competitive companies with full support for the development of small and medium-sized businesses.

The next stage (2025-2035) should be a period of large-scale structural adjustment of the economy, which will be stimulated by a whole range of socio – economic factors-the accumulation of new investments, growing external competition, the creation of more efficient mechanisms for the flow of capital and labor, which should lead to an increase in the efficiency of production factors. During this period, it is important to focus the state's investment activity on updating the entire range of industrial and financial infrastructure. The state's financial policy should be aimed at ensuring financial stability and reducing the debt burden on the economy. The main driver of economic growth at this stage will be the development of a "new sector" based on the release of entrepreneurial initiative.

- decommissioning of inefficient and maximum utilization of the most efficient metallurgical enterprises,

- implementation of industry-specific programs and comprehensive regional programs aimed at improving the efficiency of resource use, taking into account import substitution and the needs of the domestic and foreign markets.

In addition, Kazakhstan needs to pay great attention to the development of mini-factories. In recent years, the metallurgical industry has widely used low-capacity plants for the production of carbon and alloy steels: 200-400 thousand tons per year using electric furnaces with a capacity of 10-50 tons<sup>2</sup>. Due to the development of mini-plants, the share of electric steel increases: for example, in the United States, out of 130 continuous steel casting plants, 97, i.e. 75%, work in small electric steelmaking shops. Many mini-factories with electric furnaces have been built in India, China (Taiwan). In some cases, even small plants with a capacity of 2-10 thousand tons of steel per year provide significant benefits and are cost-effective, they allow you to produce high-quality steel at a lower price than steel obtained at conventional metallurgical plants.

Achieving these goals requires efforts to ensure the inflow of investments aimed at modernizing and replacing the production apparatus, strengthening the innovative nature of development, as well as measures to maintain and create the general economic infrastructure (transport, production, vocational education system, etc.) necessary to reduce transaction costs in metallurgy and increase its efficiency.

At the third, innovative stage of development (2035-2050), while maintaining and consolidating positive trends in industry, it is necessary to create scientific, technical and production prerequisites for a radical technological re-equipment of the main economically significant production sectors and an increase in the share of modern, globally competitive products. It should be taken into account that the efficiency of a modern metallurgical enterprise is characterized not only by current technical and economic indicators, but also by the speed of adaptation to changing market needs, innovative potential, and receptivity to advanced technologies.

Thus, the main content of the strategy for the development of metallurgy until 2050 is the creation of production facilities that implement the latest technological mode, and access to domestic and foreign markets with world-class high-tech products. The implementation of this stage should result in ensuring competitive positions in promising market sectors where domestic

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<sup>2</sup> B. R. Rakishev *Mining and metallurgical complex in the industrial and post-industrial development of society*, Reports of the National Academy of Sciences of the Republic of Kazakhstan” 2019, no1. p. 15.

products were not previously represented, and in some cases, the formation of new areas of demand, in which domestic high – tech products would play a dominant role<sup>3</sup>.

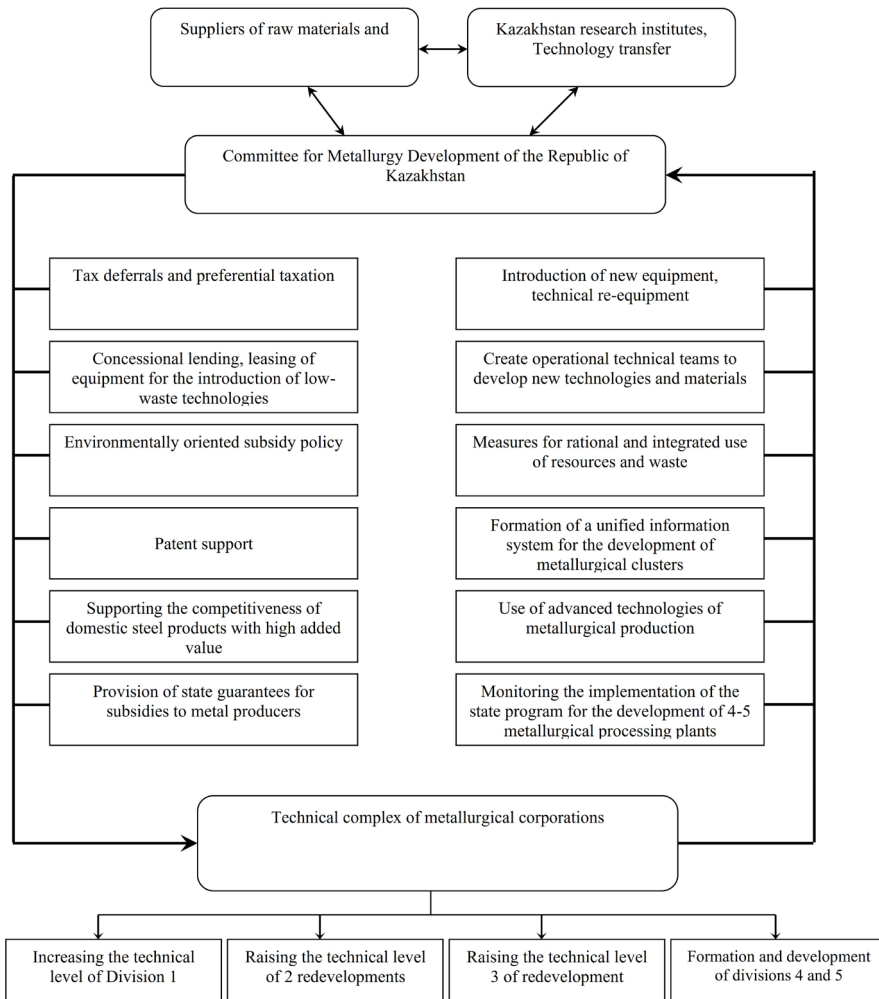
In our opinion, one of the most effective areas of reforming the metallurgical industry is the development of a system of state incentives and support for new production facilities of 4-5 stages. This mainly concerns the organizational transformation of state regulation of metallurgy. The fundamental conclusion of this is the foreign experience in the development of metallurgy. The organizational structure of management of the problems of development of the metallurgical industry as a whole, including the formation of production of new metal materials and 4-5 processing stages, should include a system of interrelated bodies, in which the priority role should be played by the Committee for the Development of Metallurgy of the Republic of Kazakhstan (Figure 1).

To achieve this goal, the Committee for the Development of Metallurgy of the Republic of Kazakhstan develops incentive measures that allow implementing the principles of innovative and technological development of the metallurgical industry and contribute to the formation of 4-5 processing divisions in the republic:

- tax deferrals and preferential taxation of steel plants;
- concessional lending, leasing of equipment for the introduction of low-waste technologies of metallurgical production;
- provision of state guarantees for subsidies and incentives for metal producers;
- environmentally oriented subsidy policy;
- technology transfer and patent support for the introduction of new equipment and technologies;
- through customs regulation, support the competitiveness of domestic steel products with high added value in foreign markets.

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<sup>3</sup> A.A. Romanova, A.I. Tatarkin *Structural policy and Development strategy (on the use of Yu. V. Yaremenko's developments in practical research of the Ural region economy)* «Problems of forecasting”, 2003, no.4.p. 38



Source: own elaboration

**Figure 1 Improvement of state regulation of metallurgical production**

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- environmentally oriented subsidy policy;
- technology transfer and patent support for the introduction of new equipment and technologies;
- through customs regulation, support the competitiveness of domestic steel products with high added value in foreign markets.

A In the interests of the state on The Committee for the Development of Metallurgy of the Republic of Kazakhstan should be assigned the following tasks:

- organization of development and monitoring of the implementation of the state program for the development of 4-5 metallurgical processing plants;
- study of current and prospective demand for domestic steel products in domestic and foreign markets;
- creation of operational technical teams to develop new technologies and materials;
- formation and maintenance of a unified information system for the development of metallurgical clusters;
- provision of state interests in international organizations within the scope of their competence, participation in the preparation of draft international treaties and agreements.

Based on the tasks set by the Committee for the Development of Metallurgy of the Republic of Kazakhstan, it is possible to identify priority tasks, the need to solve which is required at the present stage.

It is known that the economic state of the state is determined by the technological potential and the degree of its use in production. At the same time, the level of technology must be supported by the country's scientific and technical potential, and therefore a progressive industrial policy that meets the realities of our time is impossible without science and its achievements. First of all, the main task of further reforming and restructuring of Kazakhstan's metallurgy is to bridge the technological gap between the world and its own level of development and ensure the creation of modern metal products based on the full interaction of production and science.

The United Nations Mission for the Commercialization of Science, in its 1995 report "Kazakhstan: Advancing Science to International Markets," assessed: "Science and technology represent perhaps the most valuable asset that the country has in terms of perspective; it is something that can potentially drive economic growth for decades to come."<sup>4</sup>

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<sup>4</sup> An OECD Horizon Scan of Megatrends and Technology Trends in the Context of Future Research Policy. Copenhagen: DASTI, 2016. <https://www.researchgate.net/publication/301363577> [date of access 15.04.2020]

Thus, Kazakhstan, which has a huge natural resource and scientific potential, is able to reach the frontiers of technological security. The basis of such innovative development is, as UN experts note, “... the scientific infrastructure, which is very peculiar, advanced and far superior to most countries of the world.” At the same time, the impact of domestic science on the development of the country’s economy is almost imperceptible due to the lack of favorable conditions for the development of new high-tech technologies. In this regard, a rational combination of state regulation and market mechanisms, measures of direct and indirect stimulation of scientific, scientific-technical and innovative activities is possible with effective public administration.

In other words, it is necessary to integrate fundamental and applied research, since the knowledge obtained during the first one should mostly flow into the second one for the development of new technologies, justification of their rational parameters, creation of new materials with specified properties, and so on. If, for example, you take a purely fundamental science – mathematics, then you can create new and improve well-known research methods for technical and other branches of science. New techniques, algorithms, programs, etc. created on the basis of these methods are subject to commercialization. Consequently, with the integration of fundamental and applied research, almost any fundamental knowledge can be commercialized in the future.

The main factor in increasing the demand for scientific and technological innovations is the provision of tax incentives for enterprises that master advanced domestic technologies, for example, the exclusion of value-added tax and social tax for a period of at least payback periods or (and) loan repayment periods. For enterprises that develop high-tech industries through technology transfer, it is proposed to exclude value-added tax for a period of at least three years, but not less than the terms of technology development or (and) loan repayment terms. For all enterprises that adopt new technologies, exclude payment of customs duties on imported technological and auxiliary equipment. This will make it possible to attract private, including foreign, funds and carry out accelerated industrial development and use of highly efficient developments, develop high-tech industries based on them in accordance with the state program of industrial and innovative development of the Republic of Kazakhstan. New jobs will be created, and the tax base will expand.

To encourage the creation of industries where the contribution of science is new technologies, the contribution of investors is financial and material resources, it is proposed to adopt a government decree that would implement the principle of paying interest on loans from second-tier banks by the inno-

vation fund for existing new enterprises implementing an innovative project. This will create interest in the need for innovative development and will attract second-tier banks to participate in innovation activities<sup>5</sup>.

Thus, the organizational and economic mechanism of state regulation allows solving many problems associated with the introduction of new equipment, the use of advanced technologies in metallurgical production. Thus, in the current economic and political situation in Kazakhstan, which is more stable than before, the process of developing 4-5 redevelopments can be intensified. The above measures should form the basis of the policy of both the state, that is, at the macro level, and the enterprise, that is, at the micro level.

There should be an increase in the production of products with the highest added value, stimulating the export of final processed products, financing advanced training programs and retraining of personnel, creating diversified and effectively competing integrated companies in the world markets that can resist protectionist methods of struggle. Without the implementation of these measures, the task of significantly increasing the GDP growth rate is not solved, since there will be no increase in the growth rate of industrial production.

Stimulating the development of the domestic market by establishing closer cooperation with metal-consuming industries, such as agricultural machinery, automotive, railway and power engineering, etc. We are talking about the joint development of technical regulations focused on the production of end-stage products in metallurgy with strict quality characteristics, which will be in demand in the implementation of innovative projects.

As you know, the successful formation of mechanisms for innovative and scientific and technological development is primarily a consequence of the political and social conditions prevailing in society.

The complexity of transformational shifts in the economy is manifested not only in the fact that restructuring and streamlining the structure requires reforming the management system or creating a new one, with the subsequent integration of business entities both in the new management system and in new tasks facing the governing bodies. The main difficulty is in adapting production facilities to market requirements and conditions of independent management in the mode of expanded reproduction and technological renewal. This is what the scientific and industrial policy should ensure. To achieve this goal, it is necessary both to form a model for the development of the scientific and innovative sphere itself, which provides for strengthening innovation activity, concentrating resources on key areas of scientific and technological

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<sup>5</sup> H.S. Park *Technology convergence, open innovation, and dynamic economy*. «J. Open Innov. Technol. Mark. Complex» 2017, no.3, p.24.

progress, forming research and production structures that can compete in domestic and foreign markets, and motivationally operating organizational and economic mechanisms for creating and distributing innovations.

Problems of economic development of Kazakhstan's metallurgy industry in the near future will be determined by its ability to attract resources for accelerated growth. The exhaustion of market factors (such as free capacities, "soft" resource constraints, and favorable global conditions) highlights the task of quantitative and qualitative growth of production capital focused on the production of steel products provided with domestic and foreign market demand. Therefore, attracting investment in domestic metallurgy is considered as the most important source for creating a competitive domestic technical base for metallurgical production.

First of all, it is necessary to eliminate the fundamental reasons for the weakness of Kazakhstan's metallurgy, which is expressed primarily in the structural deformation of metallurgy, where dozens of large and unique deposits of metal ores account for several plants.

The solution of these problems requires the development of new principles for the formation of financial and economic mechanisms for stimulating new metallurgical industries.

The priorities of financial and economic mechanisms for stimulating new metallurgical industries in these conditions will be to promote radical modernization of production and its structural adjustment, increase the competitiveness of production of metallurgical products with high added value, accelerate investment development of high-tech, innovative projects, and form a new technological order in metallurgy.

Achieving these goals of the state policy for the development of metallurgy requires the implementation of a set of measures to create a favorable investment climate in the country, support investment initiatives in the market sector of the economy, and create legislative and institutional conditions for the economic activity of private investors that are adequate to modern market requirements.

In connection with the above, the main principles of state policy will be::

- in the field of creating a favorable investment climate in metallurgy:
  - strengthening the role of the state as a guarantor of maintaining a favorable and predictable regulatory regime for the economic activities of domestic and foreign investors; publicizing the state investment policy;
  - creation of equal competitive business conditions for all investors, regardless of the form of ownership, contributing to efficient allocation of capital and sustainable economic development;



- introduction of effective legislative and practical mechanisms to protect the interests and rights of investors in the implementation of investment projects;
  - liberalizing the market for investment projects by simplifying the procedures for approval and obtaining permits for their development and implementation;
  - ensuring that investors can obtain reliable information about organizations in order to analyze and select investment objects (regulation of the composition and structure of financial and non-financial information disclosed, methods of its disclosure; accounting reform, development of standards that meet international accounting standards);
  - promoting the development of a modern institutional infrastructure of the investment market that ensures effective transformation of the national economy's savings into investments in metallurgical production.
- in the field of public investment:
- strengthening the social orientation of investment activity in the country, the absolute priority of investment in solving problems of fundamental and applied science in the field of metallurgy;
  - openness and predictability of the state investment policy, stimulating the attraction of non-state sector capital to solve priority tasks of metallurgy development;
  - priority of state support for infrastructure facilities that are strategically important for the country and contribute to innovative and technological breakthroughs in metallurgy.
- in the field of supporting investment activities in the private sector of the economy:
- creating conditions for increasing the investment potential of Kazakhstan's metallurgical enterprises by reducing the tax burden and improving the depreciation policy;
  - liberalization of the foreign trade and tax regime for the import of modern technological equipment required for the modernization of existing metallurgical enterprises to Kazakhstan.

In order to effectively finance modernization processes in the metallurgical industry aimed at developing the 4th-5th division, it is necessary to consider mechanisms that facilitate the transfer of financial capital from the main sources of investment in this sector of the economy.

Thus, for the purpose of sustainable and dynamic development of metallurgy, it is necessary to increase the efficiency of the financial intermediation system, designed to ensure the accumulation of temporarily available

funds of individuals and legal entities and the transformation of savings into investments.

A necessary condition for the development of financial intermediation is to expand the circle of investors focused on long-term investments and increase the reliability of non-financial sector enterprises as borrowers (issuers). Important tasks in this context are to improve the quality of accounting and transparency of financial statements of potential borrowers and the security of organized savings.

The medium - and long-term funds accumulated by financial intermediaries through the banking system and the stock market will be redistributed as investment resources. Development and financial intermediation institutions need to increase the level of capitalization, reduce the risks of long-term operations, and expand the range of instruments they use.

The main problem of forming an effective financial and economic mechanism in metallurgy is the search and effective placement of financial resources (financial resources, securities, technologies, equipment, patents and licenses, etc.).

Based on this, the financial condition of metallurgical enterprises is expressed in the formation, placement and use of financial resources and is characterized by the availability of financial resources necessary for normal production, commercial and other activities of the enterprise, the expediency and efficiency of their placement and use, financial relationships with other business entities, solvency and financial stability.

At the present stage, foreign managers of metallurgical enterprises use only 3 possible types of external financing:

- preferential budget financing;
- leasing;
- direct investment or long-term loans.

It should be noted that the republic has already formed the financial basis for these listed instruments.

In general, the metallurgical and metalworking industries will develop in 4 directions in the next few years:

- Production of new types of products using new technologies;
- Increasing the complexity of the use of raw materials and processing of industrial waste;
- Informatization of production processes;
- Greening of production processes.

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## ЧЕЛОВЕЧЕСКИЕ РЕСУРСЫ КАК ФАКТОР ЭКОНОМИЧЕСКОГО РОСТА

### Zasoby ludzkie jako czynnik wzrostu gospodarczego Human resources as a factor of economic growth

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#### **Streszczenie:**

*Podstawą naukową powstania nowoczesnych teorii ekonomicznych, potwierdzającą, że potencjał ludzki należy uznać za siłę napędową postępu gospodarczego, jest teoria kapitału ludzkiego, która została rozwinięta w koncepcjach naukowców krajowych i zagranicznych. Artykuł analizuje problematykę wpływu kapitału ludzkiego na rozwój organizacji, jednocześnie analizuje podejścia do definicji pojęć „zasoby ludzkie”, „kapitał ludzki”, rozważa różnice i podobieństwa tych pojęć. Inwestowanie w kapitał ludzki zwiększa produktywność.*

#### **Resume:**

*The scientific basis for the emergence of modern economic theories, confirming that human potential should be considered as the driving force of economic progress, is the theory of human capital, which was developed in the concepts of domestic and foreign scientists. The article examines the problems of the influence of human capital on the development of the organization, at the same time analyzes the approaches to the definition of the concepts of “human resources”, “human capital”, considers the differences and similarities of these concepts. Investment in human capital boosts productivity.*

#### **Аннотация:**

*научной основой появления современных экономических теорий, подтверждающих, что человеческий потенциал следует рассматривать как движущую силу экономического прогресса, стала теория человеческого капитала, получившая своё развитие в концепциях отечественных и зарубежных ученых. В статье исследуются проблемы влияния человеческого капитала на развитие организации, вместе с тем проведен анализ подходов к определению понятий «человеческие ресурсы», «человеческий капитал», рассмотрены различия и сходства этих понятий. Инвестиции в человеческий капитал содействуют росту производительности.*

**Słowa kluczowe:** *kapitał ludzki, zasoby ludzkie, potencjał ludzki, rozwój gospodarczy, inwestycje w kapitał ludzki, konkurencyjność pracowników.*

**Key words:** *human capital, human resources, human potential, economic development, investment in human capital, employee competitiveness.*

**Ключевые слова:** *человеческий капитал, человеческие ресурсы, человеческий потенциал, экономическое развитие, инвестиции в человеческий капитал, конкурентоспособность работника*

В современной экономике, автоматизированного цифрового производства ресурсы, представленные на рынке труда, также остаются актуальными. Никакое производство невозможно без человека, именно форма организации труда характеризует этапы развития и становления новой социально-экономической системы. Поэтому только человек с его творческой энергией способен создавать и обеспечивать условия для становления экономики знаний. Человеческие ресурсы, представленные на рынке труда, формируют основные условия развития новой экономики. Следовательно, в качестве важного фактора производства в современной экономике выступают человеческие ресурсы.

*Человеческие ресурсы* представляют собой совокупность разнообразных качеств людей, определяющих их трудоспособность к производству материальных и духовных благ, и являются обобщающим показателем развития общественного производства.

Понятия «человеческий капитал» и «человеческие ресурсы» взаимосвязаны.

- Человеческий капитал — это знания, навыки, умения человека, врождённые или приобретённые, которые он может использовать в своей работе.
- Человеческие ресурсы — это люди, их потенциал, их физические и умственные способности, которые могут быть применены для того, чтобы увеличить производительность, эффективность труда.

В результате эволюционного развития представлений о человеке как субъекте экономической жизни в научной и учебной литературе возник ряд понятий: «рабочая сила», «человеческие ресурсы», «трудовые ресурсы», «человеческий фактор», «трудовой потенциал», «человеческий капитал». Схожие по своему смысловому значению, эти понятия несут собственную концептуальную нагрузку и отражают последовательное осмысление обществом возрастающей роли человека в экономической и общественной жизни (рис. 1).

В экономической науке развитие основ человеческого капитала представляет собой процедуру накопления знаний и научных взглядов,

не опровергающих прошлое наследие экономической мысли, и в то же время понятие «человеческого капитала» вплоть до настоящего времени трактуется по-разному.



**Рисунок 1 – Система понятий, характеризующих ресурсы для труда**

В связи с этим важно исследовать формирование и развитие теории человеческого капитала (таблица 1).

**Таблица 1 - Эволюция теории человеческого капитала**

Исследователи	Характеристика
У. Петти	Человеческий капитал как «живые действующие силы человека», составная часть национального богатства
А. Смита	«Увеличение производительности полезного труда зависит прежде всего от повышения ловкости и умения рабочего, а затем от улучшения машин и инструментов, с помощью которых он работает»
К. Маркс	«рабочая сила» «совокупность физических и духовных способностей, которыми обладает... живая личность человека и которые пускаются им в ход всякий раз, когда он производит какие-либо потребительские стоимости»

К. Шмалензи и И. Фишер	«человеческий капитал» не только знания и умения людей, способности к труду, но и физические, психологические, мировоззренческие, культурные свойства человека - физическую силу, внешнюю привлекательность, умение принимать решения, брать на себя ответственность, коммуникабельность, организаторские способности, т.е. предпринимательские способности, утверждая, что наличие образования является лишь предпосылкой, а не гарантией жизненного успеха
Т. Шульц и Г. Беккер	«одной из форм капитала является образование, человеческим его называют потому, что эта форма становится частью человека, а капиталом является вследствие того, что представляет собой источник будущих удовлетворений или будущих заработков, либо того и другого вместе»
Г. Беккер	«человеческий капитал формируется за счет инвестиций в человека, здравоохранение, миграцию, поиски информации о ценах и доходах»
Фридрих Лист	основной составной частью производительных сил выступает «умственный капитал», являющийся главным источником богатства
Л. Туроу	Человеческий капитал — способность производить предметы и услуги
А. Н. Добрынин и С. А. Дятлов	Человеческий капитал — сформированный в результате инвестиций и накопленный человеком определенный запас здоровья, знаний, навыков, способностей, мотиваций, которые целесообразно используются в процессе труда, содействуя росту его производительности и заработка
В. А. Поздняков	Человеческий капитал — набор определенных устойчивых качеств индивида, позволяющий ему продуцировать новые знания, эффективно внедрять их в практической деятельности, реализуя на практике собственный потенциал

Обобщая, вышеизложенные трактовки, мы можем сделать вывод о том, что человеческий капитал неотъемлемый, необходимый элемент экономики предприятий, который может быть сформирован, обогащен за счет инвестиций, путем приобретения “soft&hard skills”, представляющий источник доходов как самого работника, так и предприятия в целом.

Рассмотрим общие различия между понятиями «человеческие ресурсы» и «человеческий капитал» в таблице 2.

**Таблица 2 – Основные различия понятий «человеческие ресурсы» и «человеческий капитал»**

Человеческие ресурсы	Человеческий капитал
<ul style="list-style-type: none"> <li>- способность проявлять инициативность</li> <li>- умение изменяться, менять своё поведение с возрастом</li> <li>- способность работать эффективнее или, наоборот, с меньшим результатом, в зависимости от внешних и внутренних факторов</li> <li>- способность к саморазвитию, самоконтролю</li> <li>- способность повышать свою ценность в процессе эксплуатации</li> </ul>	<ul style="list-style-type: none"> <li>- больше заботится о способностях и обучении людей</li> <li>- является мерой способностей и навыков, которые требуются отделу кадров от потенциальных сотрудников.</li> <li>- можно объяснить, взглянув на него с материальной точки зрения.</li> <li>- капитальные вложения в людей также способны приносить дивиденды сверх первоначальных денег или инвестиций.</li> </ul>

Обобщая данные таблицы 2, мы можем сделать вывод о том, что человеческие капитал связан с человеческими ресурсами тем, что мы обогащаем его путем различных вложений, приобретений навыков и знаний, приносящих и создающих доход и условия для роста и развития предприятия в целом.

Рассмотрим виды человеческого капитала, чтобы раскрыть его сущность. Существуют различные признаки деления человеческого капитала. По нашему мнению, на рисунке 2 показаны наиболее обобщающие виды человеческого капитала.

Все три вида человеческого капитала, отраженные на рисунке 2, являются необходимыми факторами для увеличения доходности предприятия и его роста.

Ни для кого не секрет, что любая компания располагает разными видами ресурсов, благодаря которым она может извлекать прибыль. Но именно человеческие ресурсы существенно отличаются от других, ниже объясним почему.

У каждого человека есть свои амбиции, цели, стратегии. Каждый человек индивидуален, все хотят удовлетворить свои амбиции, достичь поставленных целей. На предприятие люди приходят с разными способностями, возможностями и замыслами реализации задуманного. Повседневно работая, активно участвуя в деятельности предприятия, индивид принимает решения, делится своим опытом, приобретает новые знания, которые влияют на результат деятельности.



индивидуальный человеческий капитал	коллективный человеческий капитал организации, фирмы	общественный (национальный) человеческий капитал
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> капитал здоровья	<input type="checkbox"/> организационный капитал	<input type="checkbox"/> социальный капитал
<input type="checkbox"/> трудовой капитал	<input type="checkbox"/> структурный капитал	<input type="checkbox"/> политический капитал
<input type="checkbox"/> интеллектуальный капитал	<input type="checkbox"/> социальный капитал	<input type="checkbox"/> природный капитал
<input type="checkbox"/> организационный капитал	<input type="checkbox"/> бренд-капитал (клиентский капитал)	<input type="checkbox"/> национальный интеллектуальный капитал
<input type="checkbox"/> культурно-нравственный капитал	<input type="checkbox"/> номенклатурные активы фирмы	<input type="checkbox"/> приоритеты и преимущества
<input type="checkbox"/> предпринимательский капитал		

**Рисунок 2 - Виды человеческого капитала**

Не маловажный фактор для достижения стратегии организации зна-комить, информировать людей о ее задачах, таким образом, повышая корпоративный дух команды.

Люди обладают такой специфической особенностью как обучае-мость. Люди, переучиваясь, повышая свои квалификации, становятся более опытными. Человек единственный ресурс, который работая над собой способен превратить недостатки в достоинства.

Любям присуще проявлять эмоции, что может отрицательно повли-ять на принятие оптимальных управленческих решений. Однако, эмо-циональность людей важна при повышении эффективности и трудовой мотивации, в налаживании отношений в команде.

Человеческие ресурсы — это взаимодействие людей и организации с двух сторон, должны развиваться как человеческие ресурсы, так и ор-ганизации, т.е. административный персонал организации для эффектив-ного управления человеческими ресурсами.

Вместе со специфическими особенностями, можно выделить и дру-гие отличия человеческих ресурсов:

- умение проявлять самостоятельность, решительность, а не слепо вы-полнять указания;
- способность изменяться, трансформироваться, приобретать новые навыки, знания, становится мудрее, терпимее, постоянно повышать свою квалификацию;

- люди в зависимости от внешних и внутренних факторов имеют возможность работать более или менее продуктивно;
- умение противостоять внешнему воздействию, управлению (например, сотрудник может отказаться от длительной командировки или новой задачи по уважительным причинам);
- возможность к саморазвитию, самоконтролю (и это ещё один весомый признак, который отличает человеческие ресурсы от других);
- умение выступать как объектом, так и субъектом управления (быть подчиненным или подчиняться);
- способность эффективно использовать другие ресурсы компании (так, без сотрудников машины, инструменты, сырьё, технологии сами по себе не смогут приносить прибыль);
- способность повышать свою ценность в процессе эксплуатации (если сотрудник развивается, со временем он будет претендовать на более высокую заработную плату; другое дело, что вместе с ней, вероятнее всего, будет расти и зона его ответственности, и польза, которую он сможет принести компании).

Таким образом, выше изложенное дает нам возможность сделать вывод о том, что человеческие ресурсы имеют много преимуществ перед другими ресурсами и есть необходимость на постоянной основе инвестировать в развитие человеческих ресурсов, расширять навыки управления ими.

Поменялось отношение к человеческому капиталу. Если изначально его считали одним из наиболее затратных факторов производства, то теперь назвали одним из самых производительных, что и неудивительно. Практика показала, как важно выстраивать долгосрочные отношения с клиентами. А это возможно в том числе благодаря эффективной работе персонала, ведь от настроения сотрудника, от того, как он встречает клиента, как старается ему помочь, зависит то, вернется ли клиент в компанию снова и порекомендует ли её другим.

Соответственно, в развитие персонала стали инвестировать, а подход к управлению им менять. Так, со временем появилась и современная концепция управления человеческими ресурсами с базовыми положениями, на которых она строится, а именно:

- признание этих ресурсов как одних из наиболее значимых для организации и, как результат, постоянное совершенствование умений, навыков сотрудников для повышения конкурентоспособности в рыночной среде;

- отказ от иерархического управления в пользу социально-экономического (то есть вместо жёстких мер воздействия стали применять методы повышения мотивации);
- профессионализация работы с кадрами (стали появляться кадровые службы, занимающиеся подбором персонала, повышением его квалификации);
- непрерывное развитие (иными словами, всё время организуются мероприятия для развития сотрудников, совершенствования их навыков, повышения квалификации);
- создание корпоративной культуры (то есть продвижение общих ценностей, установок, целей, которые будут побуждать персонал к эффективному труду и партнёрству).

Подытоживая всё вышесказанное, стоит отметить, что современная концепция нацелена на повышение значимости человеческих ресурсов. Если раньше они рассматривались скорее как фактор, способствующий росту прибыли компании, то теперь стали одной из самых важных социальных ценностей.

Человеческие ресурсы — важнейший фактор развития (примеры эффективного их использования можно увидеть у многих зарубежных компаний). И хоть сама эта категория до сих пор изучается, уже понятно, что человеческие ресурсы существенно отличаются от других, поэтому требуют особого подхода в управлении. Разумеется, для его реализации придётся сформировать кадровую политику, если её ещё нет, а затем регулярно развивать её, однако усилия впоследствии вознаграждаются. Компания с сильными, опытными и лояльными к ней сотрудниками сможет выйти в лидеры и преуспеть.

Именно данные качества личности (рис.3) выступают основой для базовой классификации видов индивидуального человеческого капитала, включая капитал здоровья, культурно-нравственный капитал, трудовой капитал, организационно-предпринимательский капитал, интеллектуальный капитал.

Повышая свои навыки, здоровье, знания и устойчивость - свой человеческий капитал - люди могут стать более продуктивными, гибкими и новаторскими.

Человеческий капитал - это центральная движущая сила устойчивого роста и сокращения бедности. Инвестиции в человеческий капитал стали более важными по мере развития характера труда.



**Рисунок 3- элементы индивидуального человеческого капитал**

Человеческий капитал составляет две трети совокупного богатства во всем мире и является ключевым фактором роста во всем мире. Страны могут ускорить их экономический рост, повысив справедливость и сократив бедность за счет строительства и использования человеческого капитала в сочетании с другими видами капитала инвестиций, а также за счет выгодного использования бизнеса и надлежащего управления.

Здоровые и образованные люди, свободные от бедности, способствуют не только экономическому росту как продуктивных рабочих, но также приносят ряд других положительных социальных и экономические внешние факторы, такие как социальные сплоченность и охрана окружающей среды.

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## **WOMEN'S ENTREPRENEURSHIP IN KAZAKHSTAN**

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In modern society, women's entrepreneurship has a special role. A new social structure of society is intensively emerging - this is a social process in which old social groups change and new social groups emerge. A small part of the social group of entrepreneurs are women, but the scale of their participation in business is growing. In today's society, a woman - an entrepreneur is the bearer of new thinking, philosophy and way of life, value attitudes and morality.

Business women are a special social type of women, carriers of liberal values, with an increased need for self-realization, creative dedication, innovators by nature. As a rule, this type of women is in demand not only in entrepreneurship, but also in other spheres of labor activity, in enterprises with a wide variety of organizational and legal forms.

Women's entrepreneurship is on the rise all over the world. Studies show that the annual growth of female entrepreneurship is 10%, and the share of women in successful and stable business has grown by 8% [1].

Women entrepreneurs contribute to the economy through job creation. Women-led small and medium-sized businesses are an important source of job creation [2, 3].

In countries with a developed tradition of female entrepreneurship, numerous studies document the presence of "traditionally female industries," where women feel more comfortable at the expense of the past, including home experiences. In Kazakhstan, there is a concentration of women in such areas as health and social services (83%), education (77%), hotel and restaurant business (75%), financial activities (66%). Men predominate in construction (81%), agriculture, hunting and forestry (77%), fishing and fish farming (74%), mining (75%), energy (72%), transport and communications (67%), manufacturing industry (64%), public administration (60%) [4].

In small towns and villages, of which there is an overwhelming majority in our country, it is difficult not only for women, but also for men to get a job.

Many women, including young mothers who are employed as a household, could combine this activity with socially useful paid work by participating in SMEs or in their own enterprises. Abroad, many women, called «mothers-entrepreneurs», provide not only for themselves and their families, but also seriously replenish the municipal and state budget.

Entrepreneurship gives you the ability to manage your time. Popular wisdom also says: «You can't take a fish out of the pond without difficulty», «Hard work, patience and constant learning will help you stay afloat.» The economic situation is not the most rosy, but this is the driver of the business.

“Business is always about discipline, planning and creativity. And women's business is about how to remain yourself, not to change your principles and your nature.”

Living in the world of social networks and high technologies, where everyone stands for independence and freedom of speech, it is difficult to imagine that once everything was different around - other people, foundations, values, other opportunities and rights.

Higher education, formal employment, driving a car, attending sporting events, a mix of men's and women's clothing styles, participating in political elections are the most common things today, the rights to which have been won by women thanks to persistent struggle and the desire for independence.

Thanks to the indifference and activity of our predecessors and predecessors, today women have the opportunity to freely dispose of their own lives - choose cooking by the stove or start their own business.

How is the situation today?

It was only in the second half of the twentieth century that women began to learn about women's entrepreneurship as one of the integral units of the country's economy and the opportunity for self-realization of a huge number of women.

That period was characterized by a massive influx of female representatives into the labor market and their growing interest in their own entrepreneurship. Since that moment, the role of women in business has been growing every year.

Expanding economic opportunities for women to do business is an important factor in the fight for gender equality, the elimination of domestic violence, the elimination of female unemployment, poverty and lack of education. Women's entrepreneurship is a great way to say no to financial, emotional, or any other male addiction that exists.

In addition, the inner freedom of a woman begins with independence - a woman capable of earning, self-development and pursuing personal goals,

who is busy with her own business most of the time, will never silently endure violence, even if she encounters it in any of its manifestations.

The times when a woman was not able to leave a man only because of her own ignorance, which did not allow herself to be provided for, practically sunk into oblivion. This can still be observed in the provincial parts of the country, which are characterized by traditional methods of upbringing that limit a woman's life to marriage and everyday life, but over time, changes overtake them.

According to official statistics for 2019, about 45% of small and medium-sized businesses in Kazakhstan are headed by women, while more than 80% of these women are individual entrepreneurs, 12% are legal entities and about 7% are peasant farms. 59% of women remain at the microenterprise level. If we take into account only individual enterprises, then women account for half: out of 1,086.5 thousand entrepreneurs, 542.9 thousand are women.

It is noteworthy that compared to the total number of small and medium-sized businesses, the number of enterprises headed by women is growing at a much faster pace. In recent years, the total number of SMEs has grown by 26%, and the number of entities led by women - by 28%.

The main areas of entrepreneurship for women in Kazakhstan include wholesale and retail trade, medicine, education, and the provision of a wide variety of services. More than half of Kazakhstani small and medium-sized businesses associated with real estate transactions, education, healthcare, social services and beauty-spheres are headed by women. Least of all women entrepreneurs find themselves in such spheres as mining, construction, transportation, water and electricity supply, quarrying and much more.

From year to year, despite the lack of legal benefits and decent funding, as well as very vague prospects for improving the social environment for «women's» business, women's business activity is growing rapidly. In the CIS countries, many believe that this is due to the influence of Western feminist currents, that the desire of women to own their own enterprises is due to a frantic desire to wipe the nose of men. But it's not about women's ambition and vanity. Every year more and more women from all over the world are implementing bold ideas in business projects that until recently seemed absolutely crazy. A large number of women's associations appear, and many public organizations begin to support women's entrepreneurship as something special among the same type of business projects. Women open their own Companies, develop a business out of their hobbies and talents and are distinguished by non-standard ideas and creative approach, harmoniously occupying market niches and calmly existing in the dynamic rhythm of entrepreneurship.



The economic prosperity of the country largely depends on the level of development of female entrepreneurship - the fact that most of the earned capital of business women are ready to invest in priority sectors of the economy affects. When this does not happen, the world economy loses enormous sums.

Women in Kazakhstan often have energy and a frantic desire to develop, but they may have much more ideas for development than available resources. The most common problems of women's entrepreneurship include low availability of funding and low viability of women's startups, as well as their lack of growth.

Women who are able to share their experiences with others play an important role in the active growth of the number of entrepreneurs: tell stories of your successes and failures, express your views on certain situations and talk about what helped you get on the path to success. We sincerely believe that support and understanding of each other will help create the necessary conditions for the rapid development of women's entrepreneurship in Kazakhstan.

Lack of experience and often lack of work are barriers to doing business. The workload of housekeeping and family obligations hinder women from running a business and practically make it impossible for every fifth entrepreneur to expand her business. It is important to note that every tenth entrepreneur is faced with real manifestations of gender stereotypes prevailing in society that prevent women from participating in business on an equal basis with men at the level of their perception as a business partner [5].

The last decade has seen a change in the profile of social expectations of female entrepreneurship. More and more women come to business, for whom self-realization and social success are in the first place, and only then material benefits and family support. Among such business women, the level of business satisfaction is higher. Every third Kazakhstani business woman previously held leadership positions, but due to gender stereotypes, her abilities were insufficiently appreciated. She chose entrepreneurship as a sphere of free application of her competencies and relies on «economic justice» - the achievement of high results in accordance with the invested efforts and her own competencies [6].

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# DIMENSION OF UNILATERAL SHAPING OF THE CONTENT OF THE NOMINATIVE EMPLOYMENT RELATIONSHIP

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## ***Abstract***

*The notion of nominative employment relationship indicated in the title refers mainly to employment relationships by appointment in the public sector with a special employee-service legal status determined by professional pragmatics, with an expanded catalog of duties and a strengthened system of responsibility, as well as special rights not present on the grounds of general employment law.*

**Keywords** - employment relationship, legal actions, disciplinary punishment.

## **Introduction**

In the catalog of the duties of the appointees, the obligation of the employee to submit to orders changing the content of the employment relationship (duty of availability) is mentioned, among others, in the normatively described scope. In this regard, it should be noted that the provisions of the pragmatics provide for a sufficiently wide range of possibilities to unilaterally shape (change) the content of the employment relationship to recognize that the employee's availability is one of its characteristic features, distinguishing the nominative relationship from contractual relationships. The importance of this characteristic in the status of nominees has a solid historical basis. Due to the fact that the complex status of these subjects - apart from the obligatory element - also includes a public element connected with holding an office (function), the indicated feature should be seen as an ideological reference to the regulations of the Act of 17 February 1922 on the State Civil Service, which created nominative employment based on an administrative bond, assuming - in exchange for special professional rights - a far-reaching availability of civil servants towards the official authorities, stricter obligations together with strict liability for their violation, as well as hierarchical subordination to the superior [2].

Chapter IV of the Law on the Civil Service, which dealt with this issue, provided for the possibility of transferring an official to another position, either *ex officio* or at the request of the official, with the only basis for change being the criterion of “good service”. A specific form of a change in the official relationship was also the transfer of an employee to a state of inactivity; during this time, he or she would receive the full salary due to him or her, and this period would count towards a pension. Even today the above-mentioned jurisdiction upholds the principle, characteristic of the law of official relations, of the increased competence of the decision-maker in terms of unilateral influence on the disposal of the employed person, dictated by “official” needs or “the interest of the service”. [5].

The analysis of the current legal regulations indicates that the unilateral change of the nomination relation can be the consequence of circumstances and events distinguished on the basis of different criteria, among which the most important should be the criterion concerning the subject and the mechanism of changes. In view of the first of the indicated criteria, we can speak of changes concerning the subjects of the employment relationship, the grounds for its establishment or the content of this relationship, while in view of the second, of transformations resulting from changes in the legal status, from legal actions or from legal events. Subjective changes result from changes on the part of the subjects of the employment relationship, which in practice refers only to changes (transformations) of the employing entity.

In the literature it is emphasized that in transformations of this type the rule of succession, arising from Article 231 of the Labor Code, applies, which means that the employment relationship is continued, and in place of the previous employer a successor entity enters by operation of law. It is possible, however, that the legislator constructs for the purpose of a particular case different principles of the considered changes [4]. The change of the basis of employment leads to the substitution of the hitherto nominative employee bond with a different basis of employment relationship, most often employment contract. Such a change, as a result of the regulation of a specific legal norm, is most often of a general nature and is usually dictated by systemic changes in the functioning of a particular segment of the public service. The opposite situation is also possible, involving the change of the contractual employment relationship into an appointive one, which, however, is of an individual nature, and may be the result of special qualification (examination) procedures of persons applying for appointment, or the passage of a normatively described professional career path crowned with the replacement of the contractual basis of employment with an appointive basis. The change in the

content of the employment relationship by appointment relates to the rights and obligations of its parties. The literature emphasizes that this may refer to the supplementation of the legal relationship with new rights and obligations of the parties or to the limitation, extension or exclusion of the existing rights and obligations. At the basis of the considered change may lie both changes in the legal status leading to the transformation of the content of the employment relationship by force of law, as well as modifications resulting from legal actions and events [1].

The subject of further considerations will be the analysis of possibilities and limits of unilateral shaping of the content of the nominative employment relationship by employers, superiors (service managers) and other entities equipped with the power to modify the rights and obligations of employees (e.g. disciplinary commissions). The starting point of the analysis is the statement that - unlike in the contractual employment relationship - the structure of the legal relationship existing due to the procedure of making an act of employee nomination and arising as a result of that act has a complex content manifested in the simultaneous connection of the parties by basic relationships of a public law nature (service) and an obligation nature (employee). Due to the size and mutual distribution of public and obligatory elements in their content, they can take the form of public-obligatory relations (e.g. judges, prosecutors), obligatory-public relations (e.g. civil servants, Supreme Chamber of Control auditors) and obligatory relations with public-law elements (e.g. teachers, science employees).

Employee pragmatics are special regulations in relation to the Labor Code, which means that by virtue of references contained therein or pursuant to Art. 5 of the Labor Code, the provisions of the Labor Code apply in matters of the employment relationship to the extent not regulated by it. The scope of this application will depend on the degree of saturation of the legal relationship created on the basis of the appointment with the obligatory elements: the higher the saturation, the higher will be the significance of the Labour Code in regulating the status of a given category of subjects, the lower it will be [4]. As a result, such a relationship consists of norms determining the public-legal sphere of the nominee's status, which define his/her relations with the body that is not an employer, most often in connection with the act of entrustment, deprivation (loss) of position or change of the place of performing the position (service relationship) and disciplinary relations, as well as of norms determining the obligatory sphere related, in principle, to the relations between the nominee as an employee and the employing entity as an employer, related to the process of providing work (employment relationship).

The above, while indicating the role of the service body and the employer in the legal relationship, at the same time constitutes the scope and distribution of the managerial powers of the employing entity in nominative employment relationships and the service powers of the service body in nominative employment relationships.

## **1. Changes in the employment relationship resulting from a legal act**

In the material sense, they refer to the possibility of the competent entity to make changes to the content of the employment relationship by way of a legal transaction, with respect to the place of work, official position (type of work), remuneration (salary). Some authors also include here the effects of circumstances causing refraining from work as a result of unpaid leave, transfer into unemployment status, suspension in performing duties.

The possibility of making such changes expresses the principle of employees' availability, which is fundamental for the law of industrial relations. The availability, in the most general meaning, means legally permissible possibility of making unilateral changes by a superior to the essential elements of the employment relation together with a correlated with this action the obligation of an employee to submit to the disposed changes. The controversy concerns the relation between this term and the concept of "subordination" and whether the notion of availability should be connected only with the permanent or also temporary changes of the employment relation [6].

According to some authors the disposability is a special manifestation of the subordination including the obligation of the employee to submit to unilateral changes in the content of the employment relationship, of permanent character. According to another opinion the disposability can also mean the obligation of the employee to submit to unilateral, temporary changes in the employment relationship, but it is not equal to the concept of subordination. The subordination is understood here as a competence-subordination relation within the complex employment (service) relation, occurring between the employee and the employer, who by making use of the competence, called an order, actualizes the obligation of the employee [3].

With the presented proposals distinguishing the concepts of disposition and subordination it is necessary to agree. In the accepted meaning subordination means the obligation to carry out the orders that are included in the content of the obligations resulting from the act creating the employment relationship (service) and that have their basis in the regulations of the prag-

matics. Disposability involving the obligation of the employee to submit to unilateral acts changing the content of the employment relationship does not, therefore, fit into the presented scheme. The above means that while the subordination is connected with the execution of the orders updating or making concrete the obligations which make up the scheme of the employment (service) relationship, the availability means the obligation of the employee to submit to the acts of the superior which change or significantly modify the scheme of this relationship, affecting its further existence in its current shape, within the limits set by the law [6].

## **2. Transfer to another job**

Legal regulation of the change in the content of the employment relationship (official relationship) concerns, first of all, the institution of transfer to another place or position, which is a regulatory feature of the majority of standards. The change may consist in promoting the employee, transferring him to a lower position (demotion) or transferring him to an equivalent position or another position (in the same office, in another office in the same locality, in an office in another locality). Due to the period of transfer, one can speak of temporary and permanent (permanent) changes. The indicated institution is characterized by considerable variety and diversity, taking into account the nature and specific conditions of functioning of a given service. Due to the scope and limits of legal determination of the act of change, we can distinguish between transfers conditional on the fulfilment of normatively determined conditions of material nature, and transfers not conditioned by material conditions, possible at any time at the request of the employee or with the consent of the parties [9].

The material conditions indicate the conditions under which the employee is obliged to be available. As a rule, the pragmatic rules make the possibility of making the considered change conditional on the fulfilment of a positive premise expressed by an indefinite valuation phrase, e.g. “the needs of the office”. (employees of state offices, civil service, PIP), “special needs of the office” (employees of state offices), “interest of the service”, “special interest of the service” (civil service employees), “service needs” (employees of the NIK), “justifiable emergency” (employees of state offices, prosecutors, counsels of the Attorney General’s Office), “consideration of the dignity of the position” (court registrars) or a vague descriptive phrase such as “reorganization of the office” (state employees and civil servants), “abolition of a position”, “abolition of a court or department”, “transfer of the seat of the



court” (court registrars), “permanent incapacity” (employees of state offices, court superintendents) [1].

The legislation also sets out negative prerequisites limiting or preventing the unilateral implementation of a specific change, expressed in terms that are not evaluatively defined, such as “important personal or family reasons” (employees of state offices, probation officers, PIP inspectors), “particularly important personal or family reasons” (employees of the PIP, civil service) or facts defined descriptively, e.g. “pregnancy status”, “care of a child under 14 or 15 years of age” (employees of state offices, civil service, probation officers, PIP inspectors). The content of the terms under consideration will be in each case determined by the competent supervisor, who - depending on the way the case is regulated - enjoys a nonuniform margin of interpretation and evidence [5].

In the case of references to the phrases specified in the assessment (e.g. “special needs of the office”), the margin of discretion is the greatest, but the superior should indicate what needs are involved and justify that they are so important and significant that they require a limitation of the employee’s rights. In other words, the content of these terms must be concrete. In the cases of references to certain phrases defined descriptively the superior is, as a rule, deprived of the discretionary leeway (e.g. when evaluating the premise of “pregnancy status”) or this leeway is limited (e.g. when evaluating the premise of “abolishment of the position”) [5].

In procedural terms, the changes conditioned by the material premises take the form of formally and materially unilateral or formally unilateral, and materially bilateral legal acts of the superior changing the content of the employment relationship. In the first situation, these are the acts of a competent authority containing only the statement of will of the employer or the head of the service (the authority “directs”, “transfers”, “orders”, “delegates”, “imposes the obligation to take up work in another unit”, “appoints to another post”, etc.). In the analyzed situation, the superior may unilaterally, in a legally binding manner, determine the situation of the employee, without the necessity of obtaining his/her prior consent for making the change. It should be noted that the material and procedural aspects of transferring an employee to another position have not been regulated in the pragmatics, according to an unequivocal logical criterion that can be established. This concerns both the abovementioned, very heterogeneous normative terminology, which defines the designations of the notion describing the transferring action, as well as the determination of the entity competent to undertake the considered act [3].

In contrast to the above situation, the condition of the correctness of the change occurring in the form of a formally unilateral, and materially bilateral legal act, is the submission of an appropriate declaration of will of the employee (the authority may transfer “with the consent” of the person concerned). In this case, the superior cannot unilaterally determine the employee’s employment situation in a legally binding manner, because a necessary component of the factual state preceding the intended change is the employee’s prior declaration of will consenting to the proposed change. However, the material and formal effects do not occur simultaneously here, because the former is a component of the preparatory proceedings (preceding the decision), and the latter a component of the decision-making proceedings. The expressed consent, while not being a component of the content of a formally unilateral act, is nevertheless a condition for its effectiveness.

The supervisor’s right to transfer the employee to another job, which is a function of the consent expressed by the supervisor, is rationed by maternal, custodial or special personal or family reasons of the employee. The concept of ‘acting with consent’ must be understood strictly and means that the exercise of that power by the employer (head of service) is subject to the employee’s prior approval of the content of the intended decision concerning his transfer. Despite the fact that in material terms such a transfer is a bilateral act, nevertheless - due to its formal unilateralism - this act may be regarded as a kind of equivalent, but not a substitute for the institution of the amending agreement [2].

There is no doubt that the element of availability gives the nominative employment relations a specific character of “service”, however, it has its normative limits delineated by the provisions of individual professional pragmatics. Disposition cannot, therefore, be equated with total freedom of a superior to make unilateral changes to the content of the employment relationship, but means only that the employee is obligated to submit to only those unilateral acts changing the type of work (position) and place of work (service) within the type of work (service) specified in the act of appointment, which are authorized by law. This means, therefore, that the discussed discretion does not come into play in those cases where a certain area of the content of the employment relationship has been excluded at all from the scope of the superior’s competence to take unilateral acts changing the content of this relationship, as well as in situations where the law makes the admissibility of the superior’s act changing the conditions of work (service) dependent on the employee’s prior approval. The use of the principle of availability, apart from the material premises, is also limited by the competence premises (indicating

which entity: the employer, the head of the service or another is competent to take such an act), procedural premises (specifying the required procedure prior to the transfer) and possibly temporal premises (specifying, in the case of ad hoc changes, the maximum period for which the transfer can be made).

The transfer of an employee to another job, but within the structure of a specific organizational unit, is, as a rule, within the authority of its manager. In turn, the power to transfer an employee to another office is reserved to the authority of the head of the service. When assessing this correctness in terms of the legal consequences arising from it, it could be assumed that in a situation where the transfer of an employee to another position falls within the scope of the employer's exclusive powers, such a case should be qualified, both in the material and procedural sense, as a case concerning the employment relationship. This would be an institution similar to the institution of unilateral change in the type of work regulated in Article 42 paragraph 4 of the Labor Code in cases justified by the needs of the employer, dictated by the need to mitigate the difficulties occurring in the organization of the work process [1].

However, the situation in the second case should be assessed differently. Although the act of transfer in terms of the subject refers to the employee, in terms of competence it belongs to the powers of the authority located outside the structure of the employing unit (the head of the service), while in terms of the subject - it concerns primarily an organizational action serving the proper (rational) deployment of personnel in the service, and in some cases a different shaping of the scope of the powers (competencies). The change of the employment relation (type of work or place of its performance) is here subordinated to the organisational action, fulfilling an instrumental role towards it. Entrusting the right to transfer an employee to an entity situated outside the structure of the employer, which is a managerial (superior) body in relation to both the organisational unit in which the transferred employee is currently employed and the unit to which the transfer is made, is a simple consequence of the fact that this activity, as going beyond the scheme of mutual obligation of the two parties to the employment relationship (the employee and the current employer) and involving a third party (the future employer), cannot be interpreted only using the concepts of the employment relationship. The service authority here does not act on behalf of the employer (as its statutory representative), but on behalf of the service, for it would be difficult to deduce that the right to unilaterally and sovereignly transfer an employee to work for another employer falls within the original competence of the entity currently employing that employee, which is matched by the obligation of the future employer to accept that employee.

Undoubtedly, the above justifies the statement that the transfer in question goes beyond the scheme of the content of the employment relationship, but it is included in the category of the service relationship, as it is a unilateral and authoritative decision of the service authority (head of the service), regulating the legally individualized interest of the employee, made for reasons justified by public reasons (the interest of the service), and not because of the person and the interest of the employee [8].

Transfers not determined by material reasons may take place at the initiative of the employee - at his/her request (application) or ex officio, but with the consent of the employee, which in both cases essentially concerns the transfer to work in the same or another position with another employer. Unlike in the previously discussed situation, making such a change is possible at any time and it is not limited by the fulfillment of certain conditions of material nature, which determine the correctness of the action, which results from the consensual nature of the analyzed act. From the essence of the analyzed institution it follows that the source of the initiative of the employee applying for a change are not so much justified public reasons (the interest of the service), but the interest of the employee [9].

The situation may be different, however, when the initiative of change comes from the employee's superior. In a typical situation, the right to make such a change belongs to the head of the service (e.g. the Minister of Justice in relation to court registrars, the Prosecutor General in relation to prosecutors). In another normative variant, the transfer is made by the head of the unit in which the employee is to be employed (after the employee submits a request for transfer to another unit or his/her consent to such a transfer and the heads of the offices agree on the transfer of the employee). The construction under consideration occurs, inter alia, on the grounds of the pragmatics of teachers, civil servants and the civil service. From a substantive point of view, both constructions of transfer under consideration are based on an implicit (in the case of an application for transfer by an employee) or explicit (in the case of an employee's consent to a transfer) prior agreement (consensus) concluded, in the first situation, between the employee and the head of the service and, in the second situation, between the employee and the present and future employer or between two employers. Formally, however, the considered transfers have a unilateral character, because - after exhausting the required procedure leading to a consensus - they are made by the head of the service or the head of the unit to employ the employee [7].

Analyzing the changes involving the will of the employee and the heads of offices, one could, at first glance, consider that we are dealing with a trans-

fer located by virtue of normative regulation within the construction of the employment relationship, because it takes place with the consent (at the request) of the employee within the framework established by the agreement concluded on this issue between the current and future employer.

However, against such a conclusion is the fact that the transfer, after exhaustion of the procedure of the required agreements, takes place on the basis of a formally unilateral act of the head of the office which is to employ the transferred employee. It means that - due to the mentioned formal unilateralism - such a change may be treated as a specific counterpart, but not a substitute of the so-called tripartite agreement, encountered in the contractual labour law, where the consensual declarations of will of all parties, i.e. the future and the present employer as well as the employee, are not only a condition for the validity of the act, but also a material component of the content of the legal action taken. Therefore, also in this case, there are grounds for assuming that equipping the entity situated outside the structure of the employment relationship linking the transferred employee with the employing entity with the formally unilateral right to shape the situation of the employee goes beyond the scheme of the employment relationship as a commitment of two parties, indicating the business nature of the operation under consideration.

The transferor here acts neither on his own behalf nor on behalf of the employer employing the transferred employee (as his legal representative), but on behalf of the service. The right to formally unilaterally transfer the employee to work for another employer does not belong either to the original competence of the entity currently employing the employee, to which the obligation of accepting this employee by the future employer corresponds, much less to the competence of the entity that is to employ the transferred employee with the correlated obligation of the current employer [2].

### **3. Suspension from work**

Suspension may be a consequence of an obligatory or optional legal action of the competent entity or it may result from a statutorily determined legal event. It may also be a form of preventive measure applied by virtue of the prosecutor's decision under Article 276 of the Code of Criminal Procedure. [7].

The purpose of this institution is to deprive the employee of the right to perform official acts (duties) for a definite period of time, to remove the employee from undertaking activities arising from the performance of a particular type of work, in connection with which the alleged act was committed. The institution of suspension in activities (duties) is analysed both in the con-

text of the change in the content of the employment relationship (it is argued that it is a special form of a change in the employment relationship, or a legal construction separate to the change in the employment relationship), and of disciplinary responsibility (sanction) (the grounds for suspension lie in the charge, which is the subject of the investigation preceding the disciplinary proceedings, and the institution itself is usually placed in the system of regulations concerning disciplinary responsibility).

It is true that suspension of an employee may cause a temporary change in the content of the employment relationship, but the essence of the act under consideration is not to modify the content of the employment relationship, but to achieve a specific preventive objective realized by removing the employee from performing his/her activities. Possible change of the content of the employment relation is here only a consequence of the suspension of the employee in his duties, and not its aim. A person suspended in his/her professional duties (activities) may not perform his/her work, which is tantamount to temporary suspension of the exercise of professional competences, rights or duties. The legal status of a person suspended in activities is not uniformly regulated, and the differentiation of rights depends primarily on the reason for suspension. The most significant change concerns the right to remuneration and other benefits [2].

The salary situation of the employee in the case of suspension on the basis of a legal action of a competent authority is not uniformly regulated. According to the prevailing solutions, in such a case the employee retains not only the right to remuneration, but also to other benefits due under the employment relationship (e.g. state officials, court superintendents, members of the civil service corps, UP experts, NIK and PIP employees). The above means that in the sphere under consideration the suspension does not produce any legal effects, and the legislator operates here with a legal fiction, equating the period of suspension with the period of actual performance of duties as an employee. However, there are also such variants possible, in which [1]:

- a) the basic salary of the employee may be reduced to a maximum of half, depending on the family status of the suspended person, while depriving the right to salary supplements and remuneration for overtime hours (teachers, science employees). The authority, on the basis of the criterion given, has both the discretion to make a possible decision reducing the salary and the scale of the reduction,
- b) the salary may be reduced by up to 50% (e.g. attorneys general, prosecutors). The criterion for the discretionary decision to suspend and the scale of the reduction in remuneration in this case are the circumstances of the particular case and the interests of the service.

The reinstatement of the previous remuneration is possible in the event of the repeal of the act of suspension by the competent authority or the elimination of such act from circulation in appeal proceedings. In the event of a discontinuance of criminal (disciplinary) proceedings or an acquittal, the employee shall be paid the remainder of the remuneration. As a rule, this does not apply to conditional discontinuance of criminal proceedings.

Some regulations contain separate provisions concerning the effects of suspension decisions in the sphere of other employee rights of the suspended person, in particular, counting the period of suspension towards seniority, stipulating that this period is counted towards the period of employment on which employee rights of the suspended person depend (e.g. civil service, pragmatics of court and prosecutor's office employees). In the absence of such a regulation, it should be assumed that the suspension does not cause any negative effects in the employment sphere of such a person [5].

#### **4. Reinstallation**

Inactive status is an institution that is currently regulated with respect to employees only in the teachers' pragmatics. It was also provided for in the Civil Service Acts of 1996 and 1998, which are no longer in force, but subsequent Civil Service Acts have abandoned the regulation of this institution [2]. The transfer into the status of inactive causes a temporary deprivation of the employee of the possibility of active functioning in his/her profession combined with his/her readiness to resume employment at the call of a superior. The justification for such a transfer in the case of teachers is the partial liquidation of the school or organizational changes resulting in a reduction of the number of departments in the school or changes in teaching plans, which make it impossible to continue the employment of a teacher on a full-time basis. From the procedural point of view, it is a formally unilateral, and materially bilateral, action, because it is undertaken by the employer represented by the headmaster in relation to the teacher, but on condition that the employee submits a relevant application [2].

In order to be effective, the transfer to the status of inactive does not require a changing notice, nor can it be equated with a changing agreement. Inactive status results in suspension of the employee's obligation to perform work for reasons attributable to the employer, but it does not deprive the teacher of the right to a monthly basic salary and other employee benefits, including social allowances, until the employment relationship expires (Art. 20.6). It does, however, constitute a source of change in the employment relationship in that

it deprives the employee of the right to certain benefits to which active teachers are entitled, e.g. the right to certain salary supplements or, as it is claimed in the literature, the right to holiday leave or health leave [5].

## **5. Changes in the employment relationship resulting from the imposition of a disciplinary penalty**

From the above presented changes of the employment relation that occur as a result of a legal act of a superior one should distinguish the changes that occur as a result of the execution of a disciplinary punishment [1]. They can have the character of positive or negative changes shaping the status of the employee. In the first case the matter concerns penalties aimed directly at the transformation of the content of the employment relation, whereas in the second case the penalties serve the purpose of temporarily depriving the employee of the expectative (expectation) of the transformation of the content of the employment relation, e.g. of a promotion in office or salary. The set of penalties that directly cause transformation of the employment relationship includes reassignment of the employee to a lower position, transfer to another place of employment, removal of functions, reduction of remuneration, reduction of official rank or a change involving simultaneous assignment to a lower position and reduction of remuneration or imposition of a reprimand with a reduction in basic remuneration. The transfer of an employee to a lower position involves the assignment of a type of work related to a lower level of the official hierarchy and usually connected with a different setting of duties, responsibilities and remuneration, which in the literature is referred to as demotion (civil servants, counsels of the Attorney General's Office) [8].

Transfer to another official position is provided for in the pragmatics of judges and prosecutors and means the designation of another court or prosecutor's office in which the transferred employee will perform official duties. Another change, i.e. removal from the function or position, does not lead to termination of employment, however, it is a source of transformation of the existing employment relationship, in which the employee remained before removal from the function (position) by exclusion of the rights and obligations arising therefrom and transformation of the remuneration for work. The modification of the employment relationship involving a reduction in remuneration as a result of a disciplinary penalty has been provided for in the civil service pragmatics. The reduction is temporary (for a period not longer than 6 months) and concerns basic remuneration. The penalty of a reduction in a civil service rank leads to a similar result, since the rank held determines the amount of the civ-



il service allowance. A change of working conditions involving simultaneous transfer of the employee to a lower position and a reduction in remuneration has been envisaged for the employees of the Supreme Audit Office and the State Labour Inspection, whereas the punishment of a reprimand with a reduction in basic salary has been envisaged for court registrars [9].

A specific, negative form of the situation considered are the disciplinary rulings, which contain an indirectly expressed ban on changing the content of the employment relationship (official relationship) by temporarily depriving the punished employee of the possibility of promotion (civil servants, employees of the Supreme Audit Office, the State Labour Inspectorate, the Civil Service, court superintendents, advisors to the General Prosecutor's Office) or depriving him of the right to perform managerial functions in a given unit (employees of science and higher education, experts in the Supreme Chamber of Control) [2]. The prohibition may also result from the imposition of such a punishment on the employee, with which the law links the effect of temporary deprivation of the opportunity (expectation) of official promotion (judges, prosecutors). This means that in the period covered by the disciplinary prohibition, the competent official superior has no legal possibility to take acts changing the content of the employee's employment within the scope covered by the disciplinary restrictions.

It should be added that the transformation of the content of the employment relationship (official relationship) generally takes place directly on the basis of the disciplinary ruling, which means that the effect in the form of modification of the employee's status or inclusion of the employee in the ban on promotion occurs automatically with the pronouncement of the disciplinary penalty (its becoming final), and not on the basis of a separate decision, which the authority would be obliged to take following the imposition of the disciplinary penalty constituting a change in the content of the employment relationship. This means that the employer's actions aimed at enforcing such a disciplinary ruling are of a purely technical (recording) nature and do not consist of making a declaration of intent regarding a change in the employment relationship, as this occurs as a result of a legally valid punishment ruling. Similarly, the consequences connected with the occurrence of further, e.g. salary-related, effects of a specific disciplinary ruling should be assessed. They are not conditional on taking a separate legal action, which would only constitute a formal basis for further changes in the employment relationship adjusting the amount of remuneration to the new position.

This stems from the fact that a change in the conditions of remuneration as a result of punishing an employee with, for example, a reduction in rank

in the civil service, or transferring him to a lower post, is automatic in nature, because the grades and positions are assigned correspondingly specific rates of service allowance and job classification categories. The above is tantamount to a statement that the employer is not left any margin of discretion as to the possibility of choosing a different consequence connected with the penalty, which is in fact tantamount to depriving him in this regard of substantive decision-making (managerial powers) [6].

## **6. Changes in the employment relationship resulting from a legal event**

They refer to the situation of transformation of the content of the employment relationship by force of law, as a result of an event that is not a legal act. They have a normatively determined character and may result from an act or omission of the employee himself, or occur independently of his will. They refer to events that cause the suspension of the employment relationship by force of law such as temporary arrest of the employee or his/her appointment to military service [2].

Most of the pragmatics establish a rigid rule that in the case of suspension by force of law in the event of temporary arrest the employee receives half of the remuneration to which he/she was entitled until the date of temporary arrest (civil servants, members of the civil service corps, local government employees, professional probation officers, advisors to the General Prosecutor's Office, NIK employees, UP experts). According to other solutions, remuneration during the period of temporary arrest is reduced to a maximum of half - depending on the family status of the suspended person, with simultaneous deprivation of the right to allowances and remuneration for overtime hours (science employees, teachers). This construction has a complex character. On the one hand, the suspension is connected with the obligatory effect of losing the right to the indicated allowances and reduction of (basic) remuneration by force of law, but on the other hand the competent authority has the right to moderate the scale of remuneration reduction due to the indicated criterion of "family status". [1].

The issue of the content of the employment relationship in connection with the appointment of an employee to non-professional military service is regulated differently. The pragmatics of judges and prosecutors governing this issue assume that when a judge (prosecutor) is called to such service, his/her official rights and obligations are suspended for the duration of the service. However, these subjects retain their position and the right to remuneration.

neration, and the time of military service is included in the period of the service relationship in the position of a judge. This means that - in addition to remuneration for work - the indicated persons were deprived for that time of all other benefits related to the status of active judges and prosecutors [5].

## **Conclusion**

The above discussion leads to the conclusion that the employment law regulates the issue of unilateral changes in the employment relationship of appointed employees in an exhaustive and comprehensive manner, both in terms of substance, competence and procedure. Such changes may be the result of actions taken by the employer, the head of the service, the disciplinary committee and other entities, e.g. the prosecutor, as a consequence of a legal action, a legal event or a disciplinary ruling.

Limiting the considerations to the most typical changes resulting from the actions of entities situated within the structure of the employment or service relationship, it should be noted that due to the fact that at the decision-making stage such changes are always formally unilateral in nature (which also applies to transfers to another job carried out at the request or with the consent of the employee) the employee is in the position of an unequal party in relation to the entity - the disposer of the change. The employee is in the position of an unequal party to the entity - the person disposing of the shift. Submission to the disposed change is within the scope of his obligations, even if the change is the result of a prior request of the employee or an agreement between the parties. While the nature of the changes resulting from, e.g. a disciplinary ruling or suspension from work excludes the possibility of applying to them the provisions of the Labour Code concerning the procedure and form of termination of conditions of work and pay, the exhaustive and comprehensive regulation of the institution of changes resulting from a unilateral act of a superior transferring to another job means that also in this case there are no grounds for applying the provisions of the Labour Code concerning the changing termination.

The Code-imposed changing termination notice and transfer to another position by a superior's act, regulated by the pragmatics, are two categorically separate institutions realizing different principles and assumptions, on which the obligatory (based on the equality of parties) structure of termination of work and pay and the service (based on the unequal status of parties) structure of transfer to another job are based. Pursuant to the above, an appointed employee, who was transferred to another position by an act of his/

her superior pursuant to the provisions of the relevant pragmatics, and thus without the need to make the termination of his/her work and pay, does not have the claims to which he/she is entitled in the case of an unjustified or illegal termination of an employment contract (Article 45 of the Labour Code) or of its conditions (Article 45 of the Labour Code in connection with Article 42 of the Labour Code).

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# INFRINGEMENT OF EMPLOYERS' PERSONAL RIGHTS IN THE INTERNET

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## Abstract

*In recent years, the issue of protection of personal rights in employment relationships has become increasingly important. On the one hand, the reason for this is the increase of the threat to these goods caused by the employer's desire to succeed in the conditions of increased competition - employers minimize personal risk, often by excessive and unjustified control over employees, which may lead to a violation of their personal rights.*

**Keywords** - *personal goods, employer, legal protection, confidentiality of information.*

## Introduction

Nowadays, an employee's activity "on the net" can particularly threaten the interests of the employer. With the help of information systems and information placed on the Internet, it is extremely easy and at the same time extremely serious to damage an employer. According to recent studies, as many as 41% of respondents look for opinions about the employer on the Internet before going to a job interview, and 36% even before sending their CVs [6]. The personal interests of the employer seem to need more protection than before, because their infringement, due to the activity of the employee "in the network", can have particularly severe consequences. Far-reaching criticism of the employer's actions on a large scale through the mass media may adversely affect the financial situation of the employer, and this in turn may have consequences for employees in the form of, for example, reduction in employment.

Therefore, it seems so important to consider in detail the issue of employer's personal rights from the perspective of the possibility of their infringement in the Internet.

It is impossible not to notice the technological and technical progress, which leads to changes in the conditions of business activity, as well as the

expansion of the Internet. What happens within its framework is of great importance for the real world.

## **1. Regulation of employer's personal rights**

The Labour Code does not elaborate and does not define the employer's personal goods. Therefore, it needs to be considered whether the employer is entitled to protect his personal goods and whether the employee is obliged to respect them.

When trying to answer this question, it is necessary to point to the Constitution of the Republic of Poland, which defines individual rights and freedoms, including the right to privacy, honor and good name (Article 47), freedom and communication (Article 49), freedom of conscience and religion (Article 53), which, although not defined in the Constitution, are guaranteed - to everyone [1].

In turn, the Civil Code in Article 23 indicates an open catalog of personal property, listing health, freedom, honor, freedom of conscience, housing, secrecy of correspondence, inviolability of housing, surname or pseudonym, image, scientific, artistic, rationalization and artistic creativity. In accordance with the indicated provision, these goods remain under the protection of civil law regardless of the means of protection provided for in other provisions. However, the provisions on the protection of personal rights apply accordingly to legal persons (Article 43 of the Civil Code) [3].

In accordance with the above, it should be concluded that the legislator takes under protection certain personal goods and indicates that these are personal goods of a human being. In the article 43 of the Polish Civil Code, the legislator also indicates that the provisions on the protection of personal rights apply respectively to legal persons. Whereas in art. 33 § 1 of the Civil Code it follows, that to organizational units, which are not legal persons, but which are granted legal capacity by the act - the provisions on legal persons shall be applied accordingly, so also in the case of these units the regulations on protection of personal rights shall be applied accordingly. At the same time, the legislator does not differentiate the protection with regard to the subject [3].

Taking into account the above and the provisions of the Code of Labour regulating the issue of who can be the employer, which indicate organizational units, even if they do not have legal personality, as well as natural persons (Article 3 of the Code of Labour) and the provisions indicating who is the employer (the entity which can be the employer and which employs workers,

has the capacity to work) - it should be stated that these entities will be entitled to the protection of their personal rights. However, since the legislator did not decide on a separate regulation of the protection of employers' personal rights, did not specify the prerequisites of this protection and did not construct a catalog of them, it is justified to say that the employers will be entitled to this protection on general principles [8].

Personal rights, although not defined, are understood as intangible assets, which are closely related to the natural or legal person to whom they relate and are generally recognized in society. The nature of these goods makes them effective erga omnes. However, the relationship between the employee and the employer is relevant to the issue at hand, and in the following part of the study I will focus on the violations (threats) of the employer's personal rights resulting from the employee's activity "in the network". [6].

At this point, it should be pointed out, summarizing the above considerations, that the employer has personal goods, which remain under protection.

However, the question still remains whether the employee is obliged to respect them, and if so, on what basis?

It is worth pointing out at this point to Article 100 § 2 of the Code of Commercial Partnerships and Companies, which concerns employee duties. The employee is obliged to, among others: take care of the good of the workplace, protect its property and keep secret the information whose disclosure could expose the employer to damage (Article 100 § 2 point 4 of the Labour Code) as well as respect the rules of social coexistence (Article 100 § 2 point 6 of the Labour Code). The care for the good of the employer, including loyalty to the employer, is a more general obligation, with which the respect for the employer's personal goods should also be connected [9].

Taking care of the employer's interests does not only mean taking care of the workplace in the objective sense, it also means not taking any actions that could harm the employer's interests, cause him harm, as well as those that would be disadvantageous for him. Therefore, according to the provisions of Article 100 § 2 point 4 and 6 of the Labour Code. - the employee is also obliged to respect the employer's personal interests. Pursuant to Article 300 of the Labour Code, the provisions of the Civil Code should be applied accordingly (within the scope not regulated by the labour law) to the employer's personal goods. It should be noted, however, that this application should be appropriate and therefore cannot be contrary to the principles of the labor law [9].



## **2. Repertoire of employer's personal rights violated in the Internet**

The provision of Article 23 of the Civil Code indicates an open catalog of personal goods. Some of the personal goods have been indicated by the jurisprudence and the doctrine. It is worth considering which of them belong to the employer and which of them are particularly vulnerable to violation on the Internet [4].

When defining the catalog of the employer's personal rights, it is worth noting again that the employer may be a natural person, a legal person and an organizational unit. Thus, the employer will be entitled to the personal rights appropriate to the legal form in which it operates. Thus, the catalog of goods will be slightly different with respect to employers - natural persons and other employers - legal persons and organizational units. However, the protection of personal goods will be available to the same extent to the employers, regardless of the legal form in which they operate.

With respect to the employers - natural persons, the following personal property, which will be particularly vulnerable to infringement "in the network" should be pointed out: honor, surname, peace, privacy, intimacy, the name of the partnership enterprise, company, secrecy of correspondence [1].

In turn, with regard to other employers, it is worth pointing out in particular: good name (reputation, good fame, reputation), name, company, trademark, business secret, including correspondence secret, right to clientele.

As far as the personal rights of the employer - a natural person are concerned, the first thing to be pointed out is his honour. The doctrine assumes that honor is the respect that an individual enjoys in the society, in the group, in the community to which he belongs. Infringement of this good may result from the employee's activity "in the network", who publishes unflattering, often untrue information, entries, comments, either on Internet forums, or as part of his/her blog, or finally on his/her own website.

The employer's personal good in the form of honor may also be violated by insulting entries posted on social networking sites, such as: Facebook, Twitter, GoldenLine, etc. Another potential place where the employer's personal rights, especially the employer's honor, may be violated are job portals, such as Gowork, where opinions about employers are posted. In such situations, the personal property of the employer - a natural person in the form of his name - may also be violated [10].

Among the "non-code" goods, it is worth pointing out the peace, privacy, intimacy, the name of the partnership enterprise and the company. As a result

of the above mentioned activities of the employee “in the network”, the personal property of the employer may be infringed in the form of the name of the company, which is the personal property of its partners, since the company run by them is traded under this name.

Another good that may be infringed by the employee's activity on the Internet is peace of mind, understood as not unlawfully influencing a person through external factors, e.g. noise, but also internal factors - human psyche. Therefore, unlawful statements posted on the Internet, which disturb the peace understood in such a way, will infringe the employer's personal good subject to protection.

The employer's privacy, understood as a sphere free from interference of third parties, may also be violated. Although there is no uniform definition of privacy, it can be indicated as “an area of inaccessibility, protected from the curiosity and prying of others, a sphere free from outside interference.” The personal good of the right to privacy has been fully endorsed by the Supreme Court. Already in the rulings of the 1980s, it was singled out as an important and deserving of protection individual good. Therefore, I believe that the privacy of both the employee and the employer should be protected. Especially as it is becoming increasingly difficult to separate information concerning only one's professional life from information concerning the nonprofessional sphere [2].

As far as the personal rights of employers - legal persons are concerned, it is pointed out in the literature that these rights are non-material values, thanks to which a person can properly function according to the scope of his activities. At the same time, the scope of activity of legal persons, especially those conducting business activity, should be broadly understood - it includes not only production, manufacturing and service activities, but also relations with clients and contractors, as well as with supervisory bodies or the parent company [4].

Therefore, the good exposed to infringement, especially by the employee's activity “in the network”, is first of all the good name of a legal person (reputation, good fame, renown). This good is a counterpart of the good, which is the honor of a natural person. The Supreme Court in the judgment of 16 September 2021. II PSKP 44/21 - indicated that “(...) good customs require that respect be maintained for each employer, counting on their sense of dignity or good name (reputation), personal or public value or social usefulness or usefulness”. Thus, those entries in the Internet, which will disseminate untrue information about the quality of services provided or goods manufactured, could be considered to infringe the employer's personal rights.

Moreover, the Regional Court in Lublin dated November 25, 2021. VIII Pa 110/21. reasoned that the violation of personal interests not only of the company's authorities, but also of its employees may harm the good name of the "company". According to the Supreme Court, an attempt to discredit the professional and moral competence of journalists also harms the good name of the publisher, who is responsible for the final shape of the newspaper and the publications published there.

Protection also extends to the business name and, as indicated in the literature, regardless of the name, trademark, business secret, including secrecy of correspondence, the right to customers, and freedom of communication.

The company name is the name of an enterprise (or entrepreneur), which individualizes this entity in the market. A name, on the other hand, is a distinctive feature of a legal entity, which is granted to all legal entities, regardless of their economic activity. The name identifies and individualizes the legal entity in the trade. A trademark serves to distinguish certain products and goods and is protected not only under civil law but also under industrial property law. The right to a clientele is the good of having a certain clientele, who constantly use its services or products and because of that its enterprise is more attractive on the market. It demonstrates the employer's reputation and potential attractiveness [11].

Company secret is a good that includes technical secrets, but also commercial, organizational information, as well as those of the operation of the technological facilities and concerning the clientele, as well as data on the situation of the legal entity.

However, in order for specific information to be considered a business secret, an entrepreneur must first make efforts that are necessary to maintain the confidentiality of such information, as required under the Act on Combating Unfair Competition. Such information should also be secured and protected against disclosure. The Supreme Court in its judgment of 16 September 2021. II PSKP 44/21 - also emphasized that conducting competitive activity is different from disclosure of information that is particularly important for the employer, which is closer to infringement of the prohibition to disseminate business secrets.

Thus, to sum up the above discussion, it should be emphasized that due to the employee's activity "on the Internet", the employer's good name and honor are particularly at risk of infringement, especially when the entries, comments or statements posted on the Internet will slander the employer for negative conduct or will accuse the employer of improper conduct in professional life.

Honour, good name, good fame concern all areas of human activity, not excluding the professional field.

It should also be stressed that the employer's good name (reputation, renown) may also be infringed as a result of photos being posted on the Internet if the employer is a legal person or the employer's honour if it is a natural person. If due to the posted photos (e.g. of an employee who drives under the influence of alcohol or an employee who vandalizes the employer's property) the employer will cease to enjoy the hitherto respect or will lose its regular customers (then its good will be infringed in the form of the right to a clientele), such behaviour will infringe the employer's personal good. It should also be pointed out that the provisions of the Civil Code, applied in the context of the labor law, adequately protect the threat of personal property, so, as will be discussed later, the employer will be able to claim protection even if the posts or pictures do not cause infringement, but the threat itself [7].

It should also be noted, as pointed out in the literature, that the personal rights may also belong to the organizational units, which do not have legal personality and which are not equipped by the legislator with the legal capacity, because the protection may cover, for example, the name of the civil partnership. It is also assumed that the regulations concerning personal rights of natural persons shall be applied accordingly to the so-called "legal incapacitated persons".

### **3. Prerequisites and ways of protecting employer's personal rights in the Internet**

According to the article 24 of the Civil Code, the one whose personal property is endangered by somebody else's action, can demand to stop this action, unless it is not illegal. In case of infringement of protected personal good - he can demand from the person who committed the infringement to remove the effects of this infringement, in particular to make a statement in an appropriate form or content. In accordance with the provisions of the Civil Code, he can also demand monetary compensation, as well as payment of an appropriate sum of money for a social purpose. If the infringement of personal rights results in damage, it can be redressed according to the general rules [3].

Due to the lack of regulation of these issues in the Labour Code, the above mentioned regulations should be applied accordingly. It should be borne in mind, however, that in the labour law, the employee is liable for damages for culpable infliction of damage (Article 115 of the Labour Code), limited to the

consequences of normal acts and omissions which resulted in damage and within the limits of actual loss (i.e. without lost profits) incurred by the employer (Article 116 of the Labour Code), excluding the consequences of actions of other persons who contributed to the damage and the consequences of actions within the limits of acceptable risk (Article 117 of the Labour Code). In the case where the damage was unintentionally inflicted, the amount of compensation cannot exceed three months' remuneration, while an exception in favour of full liability was stipulated by the legislator only in the case of intentional infliction of damage and liability for entrusted property. Thus, the employee's liability in case of causing damage to the employer as a result of his/her activity "in the network" will be regulated under the Labor Law, in case of unintentional causing of damage [7].

However, as follows from the above considerations, especially those in the field of civil law, the damage is not a premise for the protection of personal rights. Therefore, the employer is entitled to the protection of the employer's personal rights regardless of the fact whether or not the damage was done to the employer as a result of the employee's activity in the "network".

However, it is necessary that the action which is to infringe (threaten) the employer's personal rights is unlawful. Therefore, the employer will not be entitled to protection if, although a violation (threat) occurred, it was caused by actions which were not unlawful. However, due to the presumption of unlawfulness, the person who violated (threatened) the personal rights of the employer will bear the burden of proving that the violation was not unlawful. The unlawfulness is regarded as acting contrary to the broadly understood legal order, as well as acting contrary to the rules of conduct adopted in the given circumstances, which result from the principles of social co-existence.

Transferring the above considerations to the issue at hand, it should be emphasized that the employee's activity "in the network", which threatens or violates the personal rights of the employer, will be unlawful, unless one of the cases excluding unlawfulness occurs [2].

The provisions of the Civil Code, applied in the context of the labor law, indicate in this regard, the consent of the authorized party, acting on the basis of the law or in order to exercise one's own subjective right, abuse of the subjective right by the person whose rights have been violated (threatened), acting in defense of a legitimate interest (social, private).

Two of the mentioned circumstances are particularly important in the context of possible infringement of personal rights of the employer by the employee's activity on the Internet. These are: exercising one's own subjective right, in particular the employee's freedom of speech (expression) and

his right to privacy, as well as acting in protection of a legitimate interest. In the latter case, the employee's right to justified (factual and constructive) criticism of the employer should be considered. It should also be stressed that acting under the conditions of the indicated counter-rules may often lead to a collision between the employer's legitimate interest and the employee's legitimate interest.

The freedom of expression guaranteed under Article 10(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms includes both the freedom to hold opinions and to receive and impart information or ideas. However, Article 10(2) of the Convention indicates that the exercise of these freedoms may be subject to such formal requirements, conditions, restrictions and sanctions as are prescribed by law, and which are necessary in a democratic society, inter alia for the protection of the reputation and rights of others. Also the Constitution of the Republic of Poland in Article 54 (1) ensures citizens the freedom of expression. Therefore the employee cannot be deprived of the possibility to openly and critically express his opinion on the matters concerning the organization of work, such as the order of activities or the division of tasks, however, the justified criticism of the relations existing in the workplace should be within the scope of the legal order and be characterized by the appropriate form of expression, it cannot disorganize the work and prevent the normal functioning of the workplace and the realization of its tasks [1].

An employee has the right to criticism supported by factual arguments, whereas ostentatious questioning of decisions using insulting words instead of factual arguments exceeds the limits of such criticism. This type of behavior cannot be justified by the employee by claiming that he or she was motivated by the good of the workplace, since the responsibility for the functioning of the workplace and the associated risks lies with the employer. These theses seem to be of substantial importance when evaluating the content of statements posted by an employee on the internet. It follows from the case law of the Supreme Court that it is permissible to express critical opinions about the organization of work when everything is done in an open manner, within the workplace. Therefore, a contrario, it should be assumed that criticism of the employer posted on the Internet may be regarded as prohibited, exceeding the limits of the permissible form - when it is addressed to persons outside the workplace or it is not information available to the employer. Criticizing the employer outside the workplace very often constitutes a breach of the duty of loyalty and may justify termination of the employment contract. This also applies to cases in which the allegations do not take an offensive form, and

some of them turn out to be true. The above considerations seem to be fully valid also in terms of criticism of the employer on the Internet [9].

It is also worth noting an interesting observation indicating that the decisive factor for the issue of illegality (or lack of illegality) of an employee's action is not only the priority of the employer's violation of his rights (which makes the employee's action enjoy the countertruth of illegality). Equally important is the gravity of the violation. This is also confirmed by the case law cited by the author. In accordance with the ruling of the Regional Court in Łódź of 3 August 2021. VIII Pa 87/20 - as a rule, a person acting reprehensibly retains the right to the protection of reputation in the case of an allegation of behaviour more reprehensible than the one he/she committed.

Therefore the decision whether an employee's action was unlawful should be made *ad casum*, taking into account both the "priority" of the reprehensible act and its gravity. Therefore, there is no automatism in losing the protection of personal rights in connection with the reprehensible behavior of the other party to the employment relationship.

It should be noted that it is necessary to look for a new balance in the employment relationship, so that the interest of the employer in a post-industrial economy is adequately protected. The effectiveness of this protection largely depends on its adaptation to specific economic and social conditions, the level of economic and civilization development [4].

Therefore, it is worth considering how, in the context of the employment relationship, the employer can protect his personal goods, especially to prevent their threat (or violation) as a result of the employee's activity "in the network". However, it should be remembered that the employer will also be entitled to protection under civil law, as well as to criminal law protection if the employee defames the employer in the Internet, for example.

First of all, it should be pointed out that the employer has the right to manage the work process (Article 22 of the Labour Code), and therefore the employer may in particular give orders to the employee, which the employee should obey (which also follows from Article 100 of the Labour Code). Therefore, the employer may enforce the employee to fulfill his obligations, in the aspect of the discussed issue - the obligation to care for the good of the workplace and observe the rules of social coexistence. Their enforcement will in turn imply protection of the employer's personal rights. A tool that the employer can use for this purpose is the control, and to be more precise, in the context of the employee's activity "in the network" - control by means of modern methods [5].

This way of protecting the employer's personal rights seems to be quite common among employers. According to the reports prepared mainly by the

organizations dealing with the protection of personal data and the right to privacy, it is estimated that in Poland already in 2008, more than 7/8 of employers monitored the e-mail of their subordinates.

At this point, however, it should be noted that the employer cannot violate the employee's rights by exercising his own rights. In particular, the employer, in order to protect his personal rights, cannot violate the law (Article 113 of the Labour Code. It is worth mentioning in the context of this issue, the provisions concerning the place and time of work - outside them the employee changes his role, and therefore the employer has a limited possibility to control the non-work activity of his employee), the employment contract or another act creating the employment relationship (which determines the scope of the employee's duties, and thus the scope of employee's subordination), as well as the rules of social interaction and socio-economic purpose of the law (here the purpose of the employment relationship, which is certainly not the surveillance of the employee) [5].

In this aspect, it seems that the employer, who exceeds the limits of his control powers, will not benefit from the protection of his personal rights, because the action of the employee cannot be considered unlawful. According to the judgment of the Court of Appeal in Łódź, the employing entity is not entitled to monitor the content of private e-mail, even if the entity has established a ban on sending private messages, except in random cases. On the other hand, I believe that an employer, in order to protect itself against threats or violations of its personal rights, may block access to employees' private e-mail boxes and certain websites with the use of certain technical tools if it does not want the employee to use them during work time.

On the other hand, we should be very cautious about modern spyware, which can provide very detailed information about an employee's online activities. These programs, once installed, work constantly, and the employer can obtain information (in real time) about the text typed from the keyboard of a given computer. The development of technology has also led to the creation of tools that ensure full control of all entries made by employees "on the web" and the selection of information according to specific criteria (key words). The employer, after entering the employee's name and surname, may receive information about the employee's entries, comments, which are additionally flagged if the entry harms the image and reputation of the "company". According to estimates in 2009. 25% of employers used such programs [1].

However, the use of these tools by the employer, which are part of the monitoring of Internet traffic, does not seem to be legitimate. In the case law of the European Court of Human Rights, it was indicated, in the case of Cop-



land v. United Kingdom, that the employee's "legitimate expectation of privacy" refers to all communication tools used by the employee in the workplace, including information exchanged via the Internet, and thus through social networking sites or instant messaging. Once again, it must be emphasized that the employer, in order to protect its personal rights, may not violate the privacy of the employee. Certainly, the control can also be neither hidden nor total. There is no implied consent (and even an explicit one seems doubtful) of the employee to control the company computer, even if it is used by the employee for private purposes. All the more so, it seems that the employer, while entrusting the employee with the equipment to perform his or her work-related tasks, should indicate whether the Internet and e-mail may be used, and if so, to what extent, for private purposes - in order to protect the employee from a possible threat (violation) of his or her personal rights on the Internet.

It should also be noted that the limit of the employer's inspection powers (the limit of protection of the employer's personal rights) will be the duty to care for the good of the workplace (the duty to submit to inspection), but if there is a clearly justified need, connected with protection of the good of the workplace and to the extent not conflicting with other relevant legal regulations and legally protected goods. The duty of care for the welfare of the workplace is not absolute. The limits of this duty are set by the interest of the employee or the employee collective to which the employee belongs.

Finally, it should be noted that the labor legislator also equips the employer with instruments other than control powers, which allow him to protect personal goods. Namely, it concerns termination of the employment contract for violation of the duty to take care of the good of the workplace and violation of personal goods of the employer, e.g. through unjustified criticism, which may also take place on the Internet. It should be noted that insulting the employer and making unfounded accusations of committing a crime violate the duty to care for the good of the workplace even if it takes place while the employee is not at work [2].

If the employee's conduct disregards good manners and damages the employer's good name (by insulting the president of the company's board of directors, ascribing him demeaning features in the public opinion or omitting him when making decisions) it may be a justifiable reason for termination of the employment contract. Also exceeding by the employee the acceptable limits of criticism of the employer's actions, defining the goals and methods of achieving them in the framework of the employer's business, may constitute justification for termination of the employment contract for an indefinite period.

It is also worth pointing out that the employee's duties include the obligation to keep secret the information whose disclosure could expose the employer to damage. The violation of this obligation may be recognized as the violation of the basic obligations of the employee and justify the termination of the contract pursuant to art. 52 § 1 point 1 of the Labor Code. [8].

When evaluating the legitimacy of the application of the abovementioned way of protecting the employer's personal interests, one should refer to the employer's interest that deserves protection. This interest, among others, in the case law of the Supreme Court, is a prerequisite for the correctness of the employer's use of his rights. As the exercise of the rights by the employer will lead to the diminution of the employee's legitimate interest - the court has to appropriately balance the interests of the parties to the employment relationship. It is assumed that the objective interest of the employer, i.e. rational, actual and justified interest, enjoys protection. The exceptions are the cases where the manner of conducting business by the employer is concerned, because then the courts, in accordance with the principle of freedom of business activity, protect the subjective interest, as it is perceived by the employer [1].

At this point, one more aspect of the considered issue should be noted. Namely, the liability of service providers for storing unlawful data (information) concerning the employer. These issues are regulated by the Act on Providing Services by Electronic Means, which is one of the acts in the Polish legal order creating the legal framework for the functioning of the information society.

Pursuant to Art. 14 of the Act, as soon as the service provider learns through official notification or reliable information that unlawful data (offensive or vulgar information) is stored in the ICT system resources provided by the service provider, the service provider should immediately prevent access to such data. Otherwise he/she is liable for infringement of someone else's personal good. This position was taken by the Supreme Court in its judgment of 14 August 2019, stating that a service provider who provides electronic services consisting in allowing free access to a discussion portal created by itself is not liable for the infringement of someone else's personal good by the recipient of the service who makes an entry on such portal, unless it knew that the entry infringes this good and did not remove it immediately.

In turn, the justification of the judgment of the Regional Court in Łódź of 3 August 2021. In the justification of the judgment of the Regional Court in Łódź of 3 August 2021 (case ref. VIII Pa 87/20) it was indicated that the protection of personal data is not absolute and may not be reduced to absurd situations, such as a situation where no data allowing identification of the

employer may be placed on an Internet portal concerning employers. Irrespective of this view, the Court ordered to remove the offensive and vulgar entry concerning the employer, as it violated his personal good in the form of good name [10].

Therefore, an important way to protect the employer's personal rights is also, if the employer finds content on the Internet that violates his personal rights, to turn to the service provider (portal, forum administrator, etc.) with a request to remove such entry/content. If the employer does not know who the author of the offending content is, he can ask the police to determine the IP address of the offender's computer and then pursue claims against that person under the Civil Code, and in the case of defamation, criminal prosecution will also come into play.

## **Conclusion**

Concluding the above discussion, it is worth noting that it is the legislator who should bear the burden of resolving conflicts of protected values and interests of entities it protects, as legislation, including labor legislation, should be the regulator of social relations. This postulate requires that interests be balanced in such a way that the interest of one party to the employment relationship is not subordinated or pursued at the expense of the other. Obviously, the only goal of regulation cannot be the employer's profit or elimination of personal risk, but it seems to me necessary to provide the employer with instruments that will allow him to protect his legitimate interests more fully, including his personal interests. It is necessary to draw a new line of demarcation between legitimate and unauthorized control over the private life of an employee, so that respecting the interests of both parties of the employment relationship, their personal goods are properly protected.

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