

*Materials of Conferences***THE ISSUES OF COMBATING MONEY LAUNDERING IN KAZAKHSTAN**

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The appearance of Article 193 «The legalization of money or other property acquired by illegal means» in the Criminal Code of Kazakhstan in 1997 laid the foundation for the further construction of the legal system of AML / CFT in the country. In 2004, Kazakhstan became one of the founding states of the Eurasian Group on Combating Money Laundering and Financing of Terrorism. The first practical step towards the formation of the national AML / CFT system in Kazakhstan was the creation in 2008 the FMC – Financial Monitoring Committee of the Ministry of Finance of the Republic of Kazakhstan (FMC MF RK). In August 28, 2009, the Law «On Counteracting Legalization (laundering) of proceeds illegally and financing of terrorism» (Law of AML/CFT), which entered into force on 9th of March, 2010. By the Law «On amendments and additions to some legislative acts of the Republic of Kazakhstan concerning counteraction to legalization (laundering) of proceeds illegally and financing of terrorism» N 192-IV taken jointly with the AML/CFT the corresponding amendments are made to 26 legislative acts of the country regulating the activities of financial monitoring entities, their sectoral regulators and government agencies. At the time of visiting mission of evaluation the system AML/CFT functioned in the country less than a year resulting in the inability to judge their effectiveness (particularly in regard to the powers of supervisory authorities) [1]

As the experience of combating money laundering in the world shows that the most of the countries refocused strategy to deal with criminal organizations fighting against the predicate offenses to struggle with the consequences, in fact it is the legalization of money and property acquired through illegal (criminal) way. For these purposes in a global scale a special structure is organized and operates that is working out international standards in the field of anti-money laundering and combating the financing of terrorism (AML/CFT), and the assessment conformity of national systems of AML/CFT to these standards.

Historical experience shows that for a long time most governments have fought against money laundering mainly by traditional law enforcements. However, as a rule, their territorial subdivisions are informed of financial irregularities by certain sampling carried out during the operational search activity.

This method did not allow to track any suspicious financial transactions and deals. A serious problem of ensuring of the rule of law in the field of finance is to provide a control mechanism that could combine the state's desire for transparency in business with justifiable desire to preserve the last commercial and banking secrecy, which is a guarantee of its stability in a highly competitive market. As a result many countries with a market economy began to develop the structure, the main objective of which was closed analytical work in the field of financial intelligence and monitoring of financial flows, and the main aim is combating money laundering and orientation of law enforcement agencies to combat criminal economic activities of specific individuals. The «financial intelligence» should be interpreted as a network information system capable of conducting a wide search, processing and use of the data for the common security of the country. It is necessary for a comprehensive analysis of the ever-increasing cash flow, which is especially important in identifying assets that are financed terrorism and other forms of socially dangerous activity.

In this work we pursue the aim of identifying connection laundered illegal capital from the existing shadow economy. Naturally, the «laundered» money comes from «shadow structure» of the economy. However, despite the stability of this statement, in practice it is not given proper attention which is reflected in the strategic and tactical plans to counter this crime.

It should be noted that the concept of the «shadow economy», «shadow capital» is not fixed by law. Several researchers noted this factor as generating some problems in qualifying acts of subjects of informal economic activities in terms of criminal law. However, in our view, this may not be such a big obstacle in determining the legality of an activity of economic entities.

The first serious study of the problem of shadow economy began in the late 70s of the last century and one of the first works in this field is the study of P. Gutmann [2].

Currently a single generally accepted definition of a universal concept of the shadow economy is not articulated. Criminal, underground, black, gray, second, illegal, parallel, unofficial, destructive, etc. – this is not a complete list of its synonyms. These terms and concepts are adjacent shadow component of the economy, the shadow world, shadow effects, the informal sector, shady operations, shady business, etc. [3].

According to various estimates, the latent entrepreneurial activity in the country are engaged in up to 15% of the economically active population, which in its entirety is not included in the revenues

of the state budget to replenish the pension fund, to address other social issues, as well as in the improvement of the infrastructure of the economy. [4]

Naturally, the government has made great efforts to reduce the share of the shadow economy in the overall structure of the legal economy and impact on her. In particular, it is now significantly simplified the procedure for registration of legal entities and individuals for business purposes, optimized tax system which plays an important role in enhancing the attractiveness of the legal business. In addition, significantly reduced the shape and the base tax, financial and other inspections of enterprises and organizations from law enforcement agencies, in other words, the state is trying to create the most favorable conditions for natural and legal persons who express the desire to have a legal business in the legal field.

The most dangerous part of the shadow economy is illegal sector, as its impact on society and the economy takes place in legal fields and through the legal framework, which leads, in turn, to criminalize the activities of the latter.

In the literature there are attempts to define the criminal sector of the shadow economy. Below, we present one of these attempts, noting that almost all the works of most of the definitions tend to replicate, «under the criminal sector of the shadow economy is meant a collection of various types of illegal economic activities concluded in the production, sale, distribution, storage, exchange, redistribution prohibited by law to the civil circulation of goods, works and services, as well as other criminal activities aimed at the removal of the legal product produced by an open economy» [5, 148].

The most dangerous criminal sector of economic activity associated with the drug trade, pornography, extortion, counterfeiting, illicit arms trafficking, embezzlement of budget funds, etc.

The main conditions for money laundering are:

- misuse of state sovereignty in order to create safe havens for the proceeds of criminal activity.
- increase in the number of international business corporations, which are regularly used for money laundering, as they provide an insurmountable level of information on the ownership of assets. Practically there are no commercial or financial factors that justify their existence, except for the fact that they allow to hide the origin and destination of goods in international trade, to circumvent the laws on the regulation of weapons or evade taxation by transferring income and assets beyond the reach of the tax authorities.
- wide use of offshore companies under the trust conditions.
- the activities of some experts that are protected by legal privilege..
- consequences of the «dollarization» of the global market and the potential impact of the introduction of the Euro in the financial markets in the coming years.

- ability to use casino for money-laundering operations and an urgent need for stricter regulation of the industry.

- the need to collect large amounts of investigative information on financial crimes and better sharing of such information.

- practical lack of means regulating offshore banking operations and excessive protection of bank secrecy which in some cases does not allow even the national regulatory authorities to effectively monitor the branches of domestic financial institutions in these countries [6].

At the same time, one can not to mention the experience of Kazakhstan to give amnesty to legalize illegal funds that have been successfully implemented in the early and mid-2000s. Kazakhstan's experience of amnesty of illegally acquired capitals shows that the vast shadow capital (of course, provided that they are not related to drug trafficking, arms trafficking, human trafficking, pornography, etc.) can play a very positive role in the future growth of the economy. From the point of view of the state and its economy the money laundering can bring the damage (if the money is invested in the «shadow» economy, out of the country, have an impact on the distribution of financial resources), and to have a temporary positive impact. Typically many of «offshore states» are not interested in the origin of the money that is invested in the development of their economies and account for a significant portion of GDP.

From this perspective, in our view, the issue of the real impact of illegal, legalized capital and property of the natural course of economic processes is not researched enough. Most researchers agree that the primary cause or a prerequisite of this criminal phenomenon of money laundering has been the adoption January 16, 1920 in the United States law, called by the people «dry law». Adoption and further zealous execution of its provisions were thus circumstance which prompted the criminal organizations to take the vacant «niche» that later brought them enormous profits, which further legitimize required [7, 21]. However there are other researchers who claim that the origin of money laundering has deeper roots, for example, the British historian C. Seagreyv writes about the Chinese merchants who in any way tried to hide the origin of their wealth from the authorities [8, 15]. However, it would be wrong to say that at that time this phenomenon was similar to today's features.

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INNOVATIONS IN ECONOMIC EDUCATION SYSTEM: THE SIGHT FROM RUSSIA

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The formation of the uniform international space of the economic knowledge is necessary for a long time already as it is expedient to talk not about the narrowly directed teaching materials of the different degree of the importance and the adequacy to the needs of the practice in this or that country, and about a necessity of the generalization and use world – between the countries and centuries-old – the heritages in the field of the economic knowledge.

Throughout 10 years we had been did a certain work regarding increase of the importance of the qualitative economic knowledge absorbing in the world economic heritage, namely:

- the economic encyclopedia – «the New economic encyclopedia» (1 edition – 2005, 4 edition – 2010, 2012), including decoding more than 3000 terms and on sale in Russian language in 12 countries of the world is published;

- the abstract with reviews of works of known economists in the world is prepared so that the Russian students and post-graduate students studied an applied and fundamental economic disciplines on the works known all over the world possessing objectivity (it is published simultaneously in Russia, Germany, USA and Great Britain, ISBN 978-5-16-004432-3 and ISBN 978-3-8473-9419-8);

- in the 2011 it is developed and introduced in the Russian high schools of the «Index of the intelligence of the financier (economist)», including 140 questions and scanning the knowledge on the 6 applied economic disciplines on which the author is also the propagandist of the knowledge in a science, both an expert, and the teacher; thus the maintenance of the given disciplines to the full correlates with the educational standards of the USA, France, Germany, Switzerland, Italy, Norway, Japan and

many other countries – the leaders as teaching of the economic knowledge;

- it is developed on the basis of constant interaction with children-schoolboys, the textbook on the newest subjects «Moral economy» which will allow to overcome lacks of a modern educational system of the schoolboys is published and introduced at different schools of Russia and will generate at them flexible economic thinking on morals bases; the given textbook – unique in Russia – is actual for many countries of the world where knowledge in the field of morals in economy teaching at the school and out of the school (ISBN 978-5-16-004271-8).

More detailed information on the author under the references: <http://www.famous-scientists.ru/13159/>, <http://viperson.ru/wind.php?ID=654178&soch=1>; <http://anticrisis.migsu.ru/about/pps/rumanceva>, 4 presentations with photos from November 1 and 19, 2012 <http://fickt.mgup.ru/category/docs/>.

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AUTHOR'S FACTOR OF INTELLIGENCE OF THE FINANCIER (ECONOMIST) AS A MECHANISM OF THE EXPRESS TRANSFER OF THE 8 KNOWLEDGE-INTENSIVE ECONOMIC DISCIPLINES

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The majority of the Russian population negatively belongs now to the diversity of the educational approaches and the commercial openness of the Russian higher education without a further guarantee of the return of the enclosed educational capital, namely – the receiving of the worthy work in the points of the view of the social employment and adequate to the enclosed intelligence of the earnings and the further career growth with guaranteed growth of a salary. On the contrary, off many years Russian Federation are torn the communication between the intelligence and the legal earnings of the Russian citizens, developing the relations of the corruption based on the lobby formation and the knowledge expropriation for all or for anybody. The importance of the knowledge is a basis of the success in the any society forming the healthy circle of the citizens oriented to the purposes of the humanity, instead of a tekhnokratizm or a fetish of the unripe commercial communications with an illegal origin (a raider captures of the power and property, the distribution of a profitable and social-