

Improving civil legislation in the field of compensation for harm caused to life and health of citizens as a consequence of the breach of requirements chemical security council of the Republic of Kazakhstan

Tleuhabyl Musinovich Abaideldinov, Saule Zhusupbekovna Suleymenova, Aliya Otarbayevna Askarova, Aliya Erkayratkyzy Dautbayeva-Mukhtarova

Kazakh National University of Al-Farabi, Almaty, Republic of Kazakhstan
Kazakh Humanitarian and Legal University, Astana, Republic of Kazakhstan

Abstract: The article is devoted to up-to-date issue of improvement of civil legislature of the Republic of Kazakhstan in the area of compensation for damage to health of people resulted from violation of chemical safety rules. The Republic of Kazakhstan is complying with world standards in this sphere. The author points out to insufficient elaboration of the mechanisms of person's non-property rights. The article describes civil-legal support of the health rights' implementation, the ways and forms of protection of such rights. The author arrives at conclusion that personal non-property rights are secondary in significance in civil rights regulation of the Republic of Kazakhstan. That is why the author proposes measures on improvement of civil legislature in the area of compensation for damage to life and health of people because of violation of chemical safety rules.

[Abaideldinov T.M., Suleymenova S.Zh., Askarova A.O., Dautbayeva-Mukhtarova A.E. **Improving civil legislation in the field of compensation for harm caused to life and health of citizens as a consequence of the breach of requirements chemical security council of the Republic of Kazakhstan.** *Life Sci J* 2013;10(4):2683-2690] (ISSN:1097-8135). <http://www.lifesciencesite.com>. 359

Keywords: Life, health, personal non-property benefits and rights, right to life, right to health, civil law, civil regulation, civil responsibility, harm, chemical safety.

1. Introduction

The world community, the advanced countries, the people consider the rights and freedoms of the person and their protection by a basis of all state, society. Consistently, considering them, we come to a conclusion that the special attention is demanded by such basic personal non-property rights, as the right to life and the right to health of the person [1, 2, 3, 4].

The Republic of Kazakhstan also proclaimed human rights priority and most significant values of society. Recognized the need to adhere to in this area generally accepted international standards, as adopted by the General Assembly of the United Nations on 10 December 1948, of the Universal Declaration of Human Rights, 16 December 1966, two international covenants on human rights.

The constitution of the Republic of Kazakhstan of August 30, 1995 became base for all current legislation defining legal status of the personality, article 1 proclaimed the Republic of Kazakhstan the democratic, secular, constitutional and social state which supreme values are the person, his life, the rights and freedoms [5].

The personal non-property benefits and the rights represent the complex legal institute including norms not only a constitutional law, but also other branches of the right, such as criminal, civil, family, ecological, etc.

From total number of the personal non-property benefits the Constitution of the Republic of Kazakhstan on the first place puts the right to life and the right to health. Recognizing them as absolute values not only the certain individual, but also for all society as a whole.

One recognition of the right to life and the right to health doesn't suffice, it is necessary to guarantee possibility of their full realization from the point of view of the right. It is necessary to install such legal system and such law and order at which the personality would have opportunity freely to realize the rights provided to it and freedoms. The insufficient readiness in the Republic of Kazakhstan of legal mechanisms of realization of the right to life and health causes high relevance of research and the designated problems [6].

Relevance of research is connected with that in relation to legal support of the right to life and the rights to health of the individual, the doctrine of civil law also demands.

Civil Code of the Republic of Kazakhstan on page 13 the opportunity to have civil rights is recognized for all citizens. With the targets of these rights, in accordance with paragraph 1 page 115 Civil Code of the Republic of Kazakhstan may be as property, and personal benefits of and rights. The Civil Code, in accordance with paragraph 3 page 115, to the personal non-pecuniary benefits and human classifies " ... life, health, dignity of the person, honor

and good name, reputation, privacy, personal and family secrets, the right to the name, the right to attribution, the right to the inviolability of works and other intangible benefits and the law" [7].

In this context especially actual civil ensuring the right to life and the right to health, and as life and health research as a subject of civil regulation is represented.

Now in the Kazakhstan legal science not enough basic researches devoted to questions of the legal nature of the main personal non-property human rights – the rights to life and the right to health, to questions of their realization by means of norms of civil law and reaction by means of these norms on the facts of violation of the specified personal non-property rights. Also there are not enough developed issues in the implementation of the data of human and civil legal action in order to prevent violations of those rights.

Thus, we made an attempt complex research of civil ensuring the right to life and the right to health, consequences of their violation, ways and forms of their protection, having formulated the vision, the approach and a position on these questions.

The aim of the study is a study of legal framework for civil and legal regulation, with the right to life and to the right to health in the chemical security, ways and forms of their protection, the modern development of the practice of application, as well as proposals to improve civil legislation in the field of reparation for the injury caused by life and health of citizens as a consequence of the breach of requirements chemical security council of the Republic of Kazakhstan.

The goal of research is reached by a solution of the following tasks:

- to classify the civil relations which object is human life and health of the person;
- to designate features of standards of the civil legislation providing the right to life and the right to health;
- to carry out the analysis of theoretical aspects of obligations for compensation of the harm done by violation of requirements of chemical safety, their legal nature;
- to develop concrete theoretical and practical suggestions for improvement of the legislation in the field of civil ensuring the right to life and health in the sphere of chemical safety.

Methods of research are methods of the analysis and synthesis, generalization and analogy. Also special and private methods were used: formal and logical, comparative and legal, historical, forecasting for identification of the directions of improvement of the legislation in considered area.

2. Main part.

The existing civil legislation of the Republic of Kazakhstan regulates the personal non-property rights as objects of civil law, norms are devoted to them § 3 chapters 3 of the Civil Code of the Republic of Kazakhstan (Art. 141-146 Art.). But, it should be noted that shortcomings of legal regulation of such personal non-property rights, as the right to life and the right to health also take place.

That chapter 3 of the Civil Code of the Republic of Kazakhstan begins with article 141 which contains norms about protection of the personal non-property rights attracts attention. Thus, the legislator, without giving the general definition of the personal non-property rights, at once mentions their protection. Remains to be guided by only paragraph 3 page 115 Civil Code of the Republic of Kazakhstan.

Neither the Civil Code of the Republic of Kazakhstan, nor what other normative legal act of the Republic of Kazakhstan don't give legal definition of such personal non-property rights as the right to life and the right to health.

Further the legislator specified only separate personal non-property rights. Among them are specified: right to protection of secret of private life, right to own image, right to inviolability of the dwelling (Art. of Art. 144-146 of RK Group). Thus, there was a situation when at the level of the code some important personal non-property rights didn't acquire the definition.

Fuller list of the personal non-property rights which are subject to protection according to Art. 141 of the Civil Code of the Republic of Kazakhstan, is defined by the Standard resolution of the Supreme Court of the Republic of Kazakhstan of June 21, 2001 No. 3 "About application by courts of the legislation on compensation of moral harm". In item 3 of this resolution it is specified: "Under the personal non-property rights and the benefits, violation, deprivation or which derogation can entail causing to the victim of moral harm, it is necessary to understand belonging to the citizen from the birth of the benefit or by law the right which are inseparably linked with his personality" [8]. In it the separate bases of classification of the personal non-property rights are provided, their inalienability and absolute character as the main characteristics of these rights are specified. However and in this Standard resolution of the Supreme Court of the Republic of Kazakhstan doesn't contain rules of law providing the right to life and the right to health.

We consider that general provisions on the personal non-property rights have to be provided in the Civil Code of the Republic of Kazakhstan in more system look. It is required to give at least the general concepts of such personal non-property rights, as the

right to life and the right to health. Definition of a legal regime of this or that personal non-property right has to be a further step.

For an illustration we will give standards of the Model civil code of the CIS, in article 38 called "The personal non-property rights and other non-material benefits" the general list of the personal non-property rights is given: "Life and health, honor and dignity of the personality, security of person, business reputation, inviolability of private life, personal and family secret, the right of free movement, a choice of a place of stay and a residence, the right addressed to, the right to the image, a copyright, other personal non-property rights and other non-material benefits belonging to the citizen from the birth or by law, are inalienable and aren't transferred by different way. In cases and an order, provided by the law, the personal non-property rights and other non-material benefits belonging to the dead, can be carried out and be protected by other persons, including successors of the owner" [9].

However, it is necessary to consider that this Model code was adopted by the Resolution of Inter-parliamentary Assembly of the participating states of the Commonwealth of Independent States in the city of St. Petersburg on October 29, 1994. The civil Code of the Republic of Kazakhstan was already adopted at this time. That speaks about parallel development of legal ideas of civil law within the CIS.

The civil Code of the Russian Federation, part one, was more susceptible to legal ideas of the Model civil code of the CIS. It follows at least from the name of chapter 8 of the Civil Code of the Russian Federation which is called "The non-material benefits and their protection" [10]. It should be noted that the Civil Code of the Russian Federation rather fully lists the non-material benefits protected by the civil legislation, including calls as objects life and health.

All this serves as an illustration of an insufficient readiness of legal regulation of the personal non-property rights and legal support of the right to life and the rights to health in the legislation of the Republic of Kazakhstan.

Subjecting to the analysis the standard and legal base concerning the right to life we come to a conclusion that, despite reference of the right to life to the basic, natural rights, it should be noted that independence of the natural right of the legislator has nevertheless conditional character. So within concrete branches of the right questions of definition of competences of legal entities in its contents differently are defined.

The right to life has to be considered, how a measure

of freedom of the individual following from human nature to determine in the interests own behavior by preservation and the order by the life, making the content of the legal relationship which object is life, and also to demand from the third parties of a certain behavior or abstention from it [11].

The highest non-material blessing of the person is his health. According to the Code of the Republic of Kazakhstan of September 18, 2009 No. 193-IV "About health of the people and health system", health is a condition of full physical, spiritual (mental) and social wellbeing, and not just absence of diseases and physical defects. Here the legislator gives definition of public health is a complex characteristic of mental, physical and social wellbeing of the population, reflecting efforts of society on maintaining by citizens of a healthy lifestyle, including a healthy food, on prevention of diseases and traumas, and also on prevention of influence of adverse factors of habitat [12].

Obligations, owing to infliction of harm, are one of types of non-contractual obligations. These obligations can arise as between the faces consisting in the contractual relations, not consisting. In all cases, harmed it isn't connected with violation of contractual obligations.

In the civil legislation infliction of harm to other person is called, as one of the bases of emergence of the civil rights and duties. Thus the harmful result can be a consequence, both action, and inaction which can be expressed in negligence, not providing safe working conditions, etc.

The tort expressed in infliction of harm to other person forms the basis of emergence of the obligation.

For emergence of the obligation for compensation of harm of one fact of infliction of harm it isn't enough. Only in aggregate all conditions with the fact of infliction of harm there is an obligation for its compensation. Such conditions include: the wrongfulness actions (inaction), causality between action (inaction) and matured malicious, illegal imposition wine. A common prerequisite for reparation for the injury is that he is to be refunded by a causer, that is a person between the actions and the matured harm there is causality, and that is a prerequisite for a legal liability, including civil. However, the law allows for derogation from the general liability rules parties causing harm and assigning duties to make compensation for harm to a person, not a causer, if this is specifically provided for by law.

One more condition of emergence of a duty to compensate harm is the fault of a causer. In interests of the victim it is established as it was already told, a presumption of guilt of a causer. However we

consider such situation wrong as it contradicts a procedural formula "the one who claims proves" and puts a cause of harm in unequal situation in difference from the victim.

For civil responsibility of a causer the form and degree of his fault have no value. Causer equally answers both at deliberate infliction of harm, and in that case when he acted carelessly. Taking into account considered, this type of obligations can be characterized as follows. Obligations, owing to infliction of harm are the non-contractual type of obligations arising owing to violation of the property and personal non-property rights of the victim, having the absolute character, urged to provide the most complete recovery of these rights at the expense of a causer, or at the expense of other persons to whom the law assigned a duty of compensation of harm.

Such signs, as are inherent in obligations for compensation of harm:

- the sphere of their action extends as on property, and the personal non-property relations;
- arise only at violation of the rights having absolute character (independently property or non-property right is violated);
- obligations for compensation of harm have non-contractual character;
- are directed on a full recovery to the victim of the done harm;
- duty compensate harm it can be assigned both to a causer, and to the third party in which interests the causer worked.

Chemical safety, it is necessary to consider as system of the measures directed on protection of the vital interests of the person from chemical influence, the established rules resulting violation and standards of production, use, processing, storage and destruction of dangerous chemicals.

Questions of compensation of the harm done by violation of requirements of chemical safety proceed from institute "compensation of harm" civil law and regulation on the general bases of the civil code of the Republic of Kazakhstan, according to article 917 in which it is told that "harm (property and (or) non-property), caused by illegal actions (inaction) to the property or non-property benefits and the rights of citizens and legal entities, is subject to compensation by the person which has harmed, in full".

One of necessary conditions of emergence of the obligation of infliction of harm is existence of the harm. This type of the obligation arises irrespective of subject structure of causer and the extent of the done harm.

Harm can be expressed in various forms to which it is possible to carry:

- health damage;
- causing death;
- destruction or property damage.

Harm as can be expressed in the form of the missed benefit (receiving that could grow to property). Due to the infliction of harm of life and to health it can be done not only property harm, and as also moral harm. Compensation of moral harm is included in the principle of compensation of harm in full. Thus, if moral harm is done along with property, compensation of moral harm is made along with compensation of property harm. If only moral harm is done, its compensation is made irrespective of existence of property harm.

Unfortunately, in jurisprudence the amount of compensation of moral harm always connect with the extent of the done property harm; if the property damage isn't present, the collected sums for the done moral harm are very insignificant in comparison with the endured moral and physical sufferings. At times moral harm is much heavier transferred by the personality, than the done property harm. On the requirement about compensation of the harm done to life and health as well as on the requirement to compensate moral harm, limitation period doesn't extend.

The harm done to life and health is in most cases compensated in a monetary form as it has opportunity most fully to smooth down harmed. The legal entities and individuals, who have harmed, to health of citizens, property of the organizations, citizens and the states owing to a violation of the law, are obliged to compensate harm in with the civil legislation. Compensation of this harm is made voluntary or by a court decision.

The personal non-property relations can be divided on regulated and protected. Life and health are inalienable material benefits and therefore they aren't regulated, and protected by the law. The personal non-property relations, which objects are connected with the property relations and as are based on equality, autonomy and property independence, aren't protected, and regulated by rules of law.

Such non-material benefits, as life and health and as some other objects of the non-material benefits are got by citizens owing to the birth, instead of by law. The right to life and health, the right of free movement, the right addressed to and some other rights are provided to citizens by law. Let's notice that life and health admit the non-material benefits of the first level, and the rights to these benefits are as though derivative of them. It is known that if there will be no life and health, there will be also no rights to these benefits. Only from the moment of the physiological birth of people it is allocated with the corresponding rights. On the basis of stated it is

impossible to tell that the non-material benefit and the right to it are absolutely coinciding concepts in what we agree with opinion of M. N. Maleina who excludes from the list of the non-material benefits the non-property rights [13, S. 25].

The personal non-property relations can be divided on regulated and protected. Life and health are inalienable material benefits and therefore they aren't regulated, and protected by the law. The personal non-property relations, which objects are connected with the property relations and as are based on equality, autonomy and property independence, aren't protected, and regulated by rules of law.

Such non-material benefits, as life and health and as some other objects of the non-material benefits are got by citizens owing to the birth, instead of by law. The right to life and health, the right of free movement, the right addressed to and some other rights are provided to citizens by law. Let's notice that life and health admit the non-material benefits of the first level, and the right to these benefits are as though derivative of them. It is known that if there will be no life and health, there will be also no rights to these benefits. Only from the moment of the physiological birth of people it is allocated with the corresponding rights. On the basis of stated it is impossible to tell that the non-material benefit and the right to it are absolutely coinciding concepts in what we agree with opinion of M. N. Maleina who excludes from the list of the non-material benefits the non-property rights [13, S. 25].

The right for life and health is considered the absolute right as all persons, obliged to abstain from violation of this right are opposed to the carrier (subject) of this right. However the non-material benefit won't be considered absolute in case of its violation, and will have nature of relative legal relationship.

The non-material benefits have two distinctive signs from the property benefits which are: inalienability and unmarketability (they have no commodity contents and have to have indissoluble communication with their carrier). As their difference from material benefits makes also that they arise not owing to the legal fact, and directly on the basis of the law. However the personal non-property rights of citizens can be quite connected with their property rights. Protection of life and health need closer attention both from legislative, and from executive power as the person is born only once in lives and therefore it is necessary to provide the most worthy existence and the maximum possibility of implementation of its legitimate rights and interests. In case of human right violation on worthy life and health, the legislation provides compensation of the

done harm by a causer.

According to the civil legislation of the Republic of Kazakhstan harmed it is compensated fully. It means that compensation must be not only the real damage, but also the missed benefit, one of which versions are the uncollected income [14, page 24].

It is necessary to pay attention to the correct differentiation of "the full volume" and "the size of a compensation of the done harm". As Sh. Mengliyev correctly writes, at indemnification their volume and the size should be considered as independent categories [15, page 33]. Thus under the full volume as other authors note already, it is necessary to understand all total volume of all types of the losses which are subject to compensation, and by the amount of compensation, the size of a concrete type of damage (losses), for example, a total cost of the destroyed property [16, page 4]. In order harm was compensated in full, it is necessary to define in what the real damage and the missed benefit were shown, then to establish the sizes of each of them and provide their full recovery to the victim. It is necessary to refer human life deprivation, damage or frustration of its health to personal non-property harmful consequences, including mental, loss of functions of human organs, deprivation or restriction of its freedom. This negative for the injured consequence are, as a rule, accompanied by property damage.

Along with property damage harm done to the personal non-property benefits of citizens can cause at the same time physical and sincere sufferings (humiliation, irritation, depression, anger, shame, despair, physical pain, lameness, a uncomfortable condition, etc.), tested (undergone, worried) the victim as a result of the offense made against it. Such harm in domestic civil law is called as moral harm (RK Group Art. 951). It is compensated in a monetary form and need of its compensation arises irrespective of the property harm subject to compensation caused by violation of the personal non-property benefits of citizens.

Causing a mutilation, other damage of health of the citizen, and also deprivation of his life generate the obligation for compensation of harm which possesses a number of specific features in comparison with the general rules as this harm can't be compensated in nature, and its monetary compensation practically can't lead to a complete recovery of the broken condition of the victim. Life and health of the citizen are absolute values, any damage of health of the citizen and the more so deprivation of his life are considered as the illegal. Only in exceptional cases, which are specified in the law, infliction of harm of life or to health of the

person is considered admissible. For example, it is possible at reflection of illegal encroachment (a condition of necessary defense) or at detention of the dangerous criminal. Infliction of harm can be expressed to health of the citizen in a mutilation (trauma), occupational disease or other damage of health.

The mutilation is characterized by the physical damage which has come under the influence of any external factors. Occupational disease grows out of systematic and long impact on a human body of ineradicable harmful consequences of production or factors specific to this profession. To this type of damage of health the condition about illegality of actions of a causer is most specific. Though from its party can not be any violations of the rules of labor protection and safety measures, illegal the fact of infliction of harm to health of the worker is admitted. Other damage of health is understood as harmful consequences of the general disease which arose at the victim because of violation by a causer of harm of the established rules and norms (excessive loading of the personnel, heating shutdown, weak illumination, etc.).

Infliction of harm of life or to health of the citizen means first of all derogation of its personal non-property benefits that in itself grants injured the right to demand compensation of moral harm. However the main object of compensation in the case under consideration are arising in connection with damage of health or death the property losses which are expressing, in particular, in loss of earnings and other income, in expenses on recovery of health, on burial, etc. If no property harm at the victim arose though and undoubted harm is done to his health, its rights are limited to possibility of the requirement of compensation for physical and moral sufferings which he had to endure.

As a result of a mutilation, occupational disease or other damage of health property losses of the citizen can be expressed in loss of earnings (income) by it which it lost in whole or in part in connection with disability or its reduction, and also in additional expenses which the citizen is compelled to bear in connection with health damage.

At calculation of the lost earnings (income) it is provided that at determination of the amount of compensation it can be considered or the lost earnings, the victim, that is earnings which he really received before causing to it harm, or earnings which he definitely could receive in the future.

On sense of the law, the citizens working both at a constant and seasonal work have the right to such compensation, house and home workers, pensioners provided that they worked and had a salary or other stable income.

The amount of the lost earnings (income) is established by means of a special indicator - extent of loss by the victim of working capacity (the general or professional). Professional working capacity is ability of the person to performance of work of a certain qualification, volume and quality. Extent of loss of professional working capacity is expressed in percentage terms permanent decrease in ability to carry out professional activity. Extent of disability as the general, and professional is established in public institutions of medico-social examination.

The amount of compensation of the lost earnings is defined as a percentage to average monthly earnings - the earnings sum for the previous 12 months, divided on 12. If the victim worked less than 1 year, the amount of average monthly earnings is defined - the earnings sum for actually fulfilled time shares on actually worked number of months.

At definition of average monthly earnings the steady changes improving a property status of the victim - salary increase, transfer to more highly paid position, etc. have to be considered. The structure of earnings (income) of the victim joins all types of compensation as in a place of the main work, and in combination, the income from business activity, royalties.

If the victim didn't work, earnings before dismissal or usual amount of remuneration of the worker of his qualification are considered at his desire for calculation of average monthly earnings.

The following type of damage which can be caused to the victim in connection with health damage, its additional expenses are. The civil code of the Republic of Kazakhstan recognizes that all additional expenses of the victim are subject to compensation by a causer of harm provided that they are reasonable and proved and that the corresponding types of the help weren't provided to the victim free of charge. RK Group contains only approximate list of possible additional expenses which, in particular, can be expressed in expenses on treatment, an additional food, acquisition of drugs, the prosthetics, foreign leaving, sanatorium treatment, acquisition of special vehicles, preparation for other profession, etc. To the victim needing several types of the help, the expenses connected with receiving each of them are refunded.

The following type of damage which can be caused to the victim in connection with health damage, its additional expenses are. The civil code of the Republic of Kazakhstan recognizes that all additional expenses of the victim are subject to compensation by a causer of harm provided that they are reasonable and proved and that the corresponding types of the help weren't provided to the victim free of charge. RK Group contains only approximate list

of possible additional expenses which, in particular, can be expressed in expenses on treatment, an additional food, acquisition of drugs, the prosthetics, foreign leaving, sanatorium treatment, acquisition of special vehicles, preparation for other profession, etc. To the victim needing several types of the help, the expenses connected with receiving each of them are refunded.

In case of death of the citizen the person bearing for it civil responsibility, is obliged to compensate harm which arose at those who lost owing to the specified circumstance of a source of means of livelihood. Numbers of the persons having the right to compensation of harm in connection with death of the supporter treat:

- the disabled faces which were consisting dependent on the dead or having by day of his death the right to the contents from it;
- child of the dead who was born after his death;
- one of parents, spouses or other family member, irrespective of working capacity which doesn't work and is occupied with care of his children who were dependent on the dead, grandsons, brothers and the sisters who not reached fourteen years (juvenile) or though have reached (juvenile) or specified age, but, according to the conclusion of the medical bodies, needing on a state of health in foreign leaving;
- the faces which consisting dependent on the died citizen and have become disabled within 5 years after his death.

The dependents of the dead having the right to compensation of harm in connection with death of the supporter, first of all, are his close relatives (the spouse or the spouse, children, including adopted (adopted), and been born after his death), grandsons, brothers and sisters, parents, the grandfather and the grandmother. At the same time at the same time with close relatives the dependents having the same right to compensation of harm, can be and the persons which aren't those (distant relatives of the dead, the friends sponsored by it other citizens, etc.) . Difference between these two groups of dependents consists only that the first were in dependence (maintenance) of the dead irrespective of his will - desires to render to these persons financial support (certainly, in the presence of the conditions provided by the law), the second - is only exclusive on will of the dead. Thus motives of the contents the dead of these persons in the dependence can be the most various and can't influence establishment by it of the right to a harm compensation on the occasion of death of the supporter. The main condition of establishment for the dependent of the right to compensation of harm on the occasion of death of the supporter is not existence of the related relations, and that this dependent was disabled and existed at the

expense of the means provided by the died person. The dependence in the case under consideration assumes receiving from the supporter of financial support which was for the disabled person the constant or main source of existence. At the same time for recognition by the dependent it isn't required the full contents. There is enough that the disabled received the regular and essential help which could not be the only source of means of livelihood [17, page 109] from the dead.

The concrete amount of compensation of the harm, appointed in favor of each person having the right to compensation, is defined proceeding from that share of earnings (income) of the dead which he received or had the right to receive to the contents at his life (p.1 Art. 941 of group of companies). Thus earnings (income) of the dead are determined by the same rules which are established to Art. 938 of group of companies for calculation of earnings (income) of the person to which health it is harmed. As well as earlier, in the form of the general principle it is established that at infliction of harm of life or to health of the victim harm is compensated in the form of monthly payments.

3. Conclusions

- 1) As a result of the conducted research we came to a conclusion that still personal non-property legal relationships occupy minor value in a subject of civil legal regulation. It is caused by that in RK Group isn't enough the norms devoted to a legal regulation of separate civil legal relationship by means of which the rights to life and health in various aspects can be implemented. In this regard we suggest to add RK Group with norms which will be devoted to civil regulation of the personal non-property rights.
- 2) It is reasoned and corresponds to a research objective, a conclusion that idea of the personal non-property rights is very closely connected with a legal status of the person. Recognized right subjectivity of the person is one of forms of recognition of the personal non-property rights and granting opportunity to realize such rights.
- 3) The obligation for compensation of the harm done by violation of requirements about ensuring chemical safety, has the civil nature and is the delictual obligation. Considering opportunities and limits of civil responsibility for the harm caused by violation of requirements about ensuring chemical safety, the author recognizes harmed by a component of the civil obligation. This harm has specific signs: always is anthropogenous; results from illegal behavior; always has economic essence; under certain conditions has the mediated character.

Corresponding Author:

Dr. Abaideldinov, Kazakh National University of Al-Farabi, Almaty, Republic of Kazakhstan.

References

1. Schleicher, E.X., 1995. Zum Sozialamt mub niemand: Die Versorgungsleistungen beim Einsatz deutscher Soldaten im Ausland. Wehrausbildung, pp: 1-304.
2. Gohnson, S.P. and G. Corcelle, 1997. The Environmental Policy of the European Communities. pp: 366.
3. Dalton, R.J. and R. Rohrschneider, 1999. Transitional Environmentalism: Do Environmental Groups Cooperate Globally? Research Monograph Series. Moscow: Center for the Study of Democracy, pp: 1-211.
4. Weston, B., J.C. Carlson, L. Guruswamy and S.G. Palmer, 1999. International Environmental Law and World Order A Problem-Oriented Coursebook Second Edition American casebook series. St.Paul, MINN: West Group, pp: 7-8.
5. The constitution of the Republic of Kazakhstan (it is accepted on a republican referendum on August 30, 1995). Sheets of Parliament of the Republic of Kazakhstan, 4(1996).
6. Dautbayeva-Mukhtarova, A.E., 2012. Life and health as objects of civil law of the Republic of Kazakhstan, PhD thesis. Bishkek.
7. The civil code of the Republic of Kazakhstan (The general part) of December 27, 1994. Sheets of Parliament of the Republic of Kazakhstan, 2(1996).
8. The standard resolution of the Supreme Court of the Republic of Kazakhstan "About application by courts of the legislation on compensation of moral harm" of June 21, 2001, No. 3. Bulletin. Supreme Court of the Republic of Kazakhstan, 6-4(2001).
9. The model Civil code for the states – participants of the Commonwealth of Independent States is adopted at the fifth plenary session of Inter-parliamentary Assembly of the participating states of the Commonwealth of Independent States of October 29, 1994. Date Views 12.11.2013 www.iacis.ru
10. Civil code of the Russian Federation. Part one: it is accepted by the State Duma on October 21, 1994. Collection of the legislation of the Russian Federation, 32(1994).
11. Reznik, E. S., 2007. Right to life: civil aspects, PhD thesis. Ekaterinburg.
12. The code of the Republic of Kazakhstan "About health of the people and health system" of September 18, 2009 No. 193-IV. Sheets of Parliament of the Republic of Kazakhstan, 20-21(2009).
13. Maleina, M. N., 1997. Personal non-property rights of citizens (concept, implementation, protection), PhD thesis. Moscow.
14. Bobrova, D. V., 1988. Problems of delictual responsibility in the Soviet civil law, PhD thesis. Kharkov.
15. Mengliyev, Sh., 1991. Theoretical problems of civil ways of restoration (normalization) of property rights of citizens, PhD thesis. Tashkent.
16. Kuznetsova, L.G. and T.N. Molchanov, 1988. New in the legislation on compensation of the harm done to health. Sverdlovsk. pp: 84.
17. Dontsov, P. E. and M. Ya. Marinin, 1986. Property responsibility for the harm done to the personality. Moscow: Legal literature. pp: 159.

11/29/2013