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POLITICAL ENTITIES OF LEGAL CULTURE IN CENTRAL ASIA

Abstract. With the help of specific materials, the article deals with the issues of political subjects of legal culture in Central Asia, which have not yet been studied in political science. The paper examines in more detail the various political subjects of legal culture - state, government and its bodies, political parties, and social and political movements in Central Asia. All political actors of the Central Asian countries participate in the formation and implementation of the state's policy of legal culture. The article notes that Parliament, the President, the Government as a whole and the head of the Government separately, the Central Bank, the Ministry of Justice, the Ministry of Foreign Affairs, other ministries, state committees and commissions of Central Asian countries can act as political subjects of legal culture on behalf of the state. Political subjects of legal culture in Central Asia influence the creation of civil society and protect human rights and freedoms, honor and dignity. At the same time, the article focuses on discussing issues.

Keywords: politics, law, culture, subject, state, government, ministry, law enforcement agencies, political parties, social and political movements, country, citizen, government, justice, law.

The political and legal validity of Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan) really shows that the subjects of legal culture strive to use positive law as an achievement of political goals and political tasks, and, therefore, make efforts to influence on state policy in the field of legal regulation and, under favorable circumstances, to dominate in it.

It should be noted that the subjects of the legal culture of Central Asian countries are still not sufficiently studied in the socio-political literature. In order to correctly understand the subjects of legal culture in Central Asia, first of all, it is necessary to identify the real possibilities of various subjects of legal culture, because they are not equal since some of them can more or less affect the process of development and implementation of legal culture, while others completely determined it. For example, a special place in the system of legal culture policy of the Central Asian society is given to the state, because it acts as the most massive organization in the country, encompassing all citizens living within its borders - territories. It unites the most diverse layers of the population around itself. In the Constitutions of the countries of Central Asia and its other fundamental acts, it seeks to consolidate itself and introduce itself as the organization of the entire multinational, multiconfessional nation of the country, a state of all and for all.

Each Central Asian state plays a leading role in establishing legal principles. At the same time, it is the most active subject of legal culture policy. It not only affects the process of its development and implementation but also determines it entirely.

The fact that the state plays an instrumental role in the development and implementation of a legal culture policy is an axiom. The state is the only bearer of sovereignty, which consists of the supremacy of state authority in relation to all citizens and non-governmental organizations formed by them within the country and in the independence of the state outside, in conducting foreign policy and building relations with other states. Only the state has a special apparatus of control and coercion. It includes both power structures (state security bodies, internal affairs bodies, etc.) and material appendages (army, prisons, etc.). In this regard, the state becomes stronger the consciousness of citizens. It is strong when citizens know everything, they can judge everything and go on everything consciously and have a "high legal awareness" [1].

The state has a specific set of tangible assets, often concentrating huge material and financial resources in its hands.

As a factor determining the priority role of the state both in the political and legal system of society and in the system of legal culture, some social scientists call it a monopoly on law-making and policy development in general, including the policy of legal culture.

For example, in the Soviet period, lawmaking was the exclusive competence of state bodies. However, to characterize the modern Central Asian legal system, such an approach is inaccurate, incorrect. Now, legal norms can be established in other ways: firstly, in a referendum (for example, the Constitution of the Republic of Kazakhstan was adopted on August 30, 1995), and secondly, by local authorities.

We can say that law today is not the prerogative of the state in the Central Asian society, it can also have other sources in the face of corporations. However, having lost its former monopoly on lawmaking, the state still plays a pivotal role in establishing legal norms. Therefore, with appropriate adjustments, the state's priority role in the political and legal system and the legal culture system of Central Asian society continues to exist.

In our opinion, political and legal theory expresses a reasonable rationale that the objective process of law formation should not be confused with the subjective, consciously volitional procedure of its formulation in the form of certain norms. Unofficial coercion does not create the objective properties of law, but, on the contrary, it creates the need for their recognition, implementation, and protection in obligatory for all forms. In practice, non-legal norms are often recognized and endowed with legal force in an official capacity. Therefore, the legislation can both comply with the law and diverge from it (mistakes, abuse of the legislator, etc.).

The list of factors affecting the exclusive status of the state in the political system and the system of legal culture of the Central Asian society is not limiting. Specialists also name other circumstances that determine the dominant position of the state among other subjects of the policy of legal culture and political processes.

It should be highlighted that a political analysis of regulatory legal acts and other official documents of Central Asian countries shows that a legal culture can be formed, implemented by both government bodies and officials. For example, the President of the country.

The political subjects of the legal culture policy in Central Asia are Governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. For example, the Government's powers are fixed in article 66 of the Constitution of the Republic of Kazakhstan [2]. In accordance with the constitutional law, the Government of the Republic of Kazakhstan, within its powers, organizes the implementation of the internal and foreign policies of the Republic of Kazakhstan, including the legal culture.

Structural units of the Government of the country take part in the development and implementation of the policy of the legal culture of the state. So, the National Bank acts as an active political subject of the state's legal culture policy.

A specific place in the development and implementation of the state's legal culture policy is held by the Ministry of Justice of the Central Asian country. It is the central executive authority for the implementation of state policy in the field of justice and coordination of other executive bodies in this area. This Ministry carries out the missions of ensuring the rights and legitimate interests of individuals and the state, legal protection of intellectual property, ensuring the enforcement of acts of the judiciary, the enforcement of criminal sentences, etc. In this regard, it is vested with the relevant power. [3].

One of the priority directions of activity of the Ministry of Justice in Central Asian countries is its participation in the legal support of regulatory activities, including in the legislative process. The legislative activity of the Ministry of Justice is carried out based on the legislative drafting plans of the President and the Government in Central Asia. In particular, it takes an obligatory part in the development of systemic bill drafts. Therefore, in our opinion, the Ministry of Justice of the country in Central Asia in its intended purpose is an important link in ensuring the implementation of the state policy of legal culture. The participation of the Ministry of Justice of the Central Asian country in the legal support of regulatory activity is expressed in the fact that this Ministry is the state body authorized by the Government to monitor compliance with the established by the Government rules for the preparation of regulatory legal acts by the central executive authorities and their state registration to improve legal regulation.

The Ministry of Justice of the Central Asian country as an authorized government body in the system of state registration of rights exercises legal control over the activities of justice institutions for conducting

legal examination of documents and the validity of the dealings, for ensuring compliance with the rules of the Unified State Register of Rights, for implementing the republican program for creating a state registration system for subjects of the republic, etc.

The competence of the Ministry of Justice of the Central Asian country in all its directions is realized both directly and through the extensive system of its territorial bodies created and operating in all regions of the republic. Their main task is to ensure the implementation by the Ministry of Justice of the country in the regions of the state policy in the field of legal culture, justice.

In accordance with the legislation of the country, the Ministry of Justice of the country of Central Asia carries out other works on the implementation of the policy of legal culture.

Thus, the Ministry of Justice of the Central Asian country fulfills extremely important tasks in implementing the state's legal culture policy. It is the main generator and coordinator of this policy and its catalyst since it is in the center of events related to reforms: legal, judicial, criminal - executive, etc.

To a certain extent, the Ministry of Foreign Affairs of the Central Asian country is involved in the development and implementation of the policy of the legal culture of the state.

Politological analysis of the legal framework of the Central Asian country gives reason to conclude that other ministries, state committees, commissions, other central executive authorities, as well as state bodies management of subjects of the Republic of Central Asia can be attributed to the subjects of legal culture in Central Asia acting on behalf of the state.

Thus, on behalf of the state, Parliament, the President, the Government as a whole and the head of the Government separately, the Central Bank, the Ministry of Justice, the Ministry of Foreign Affairs, other ministries, state committees and commissions, other central executive authorities, as well as bodies of state power and management of subjects of the Republic of Central Asia can act as political subject of legal culture

The policy of the legal culture of the state is embodied both in domestic official documents and in intergovernmental agreements, international treaties.

In our opinion, the expression "state policy of legal culture" does not mean at all that it is developed only by the state. Rather, it is about by whom it is being implemented in and realized. This idea is emphasized in many regulatory acts of the Central Asian country.

In this regard, it should be highlighted that the most important sphere of activity of the legal policy and legal culture of the Republic of Central Asia is to ensure the unity of the system of state power and the law and order as an essential condition for the formation of a rule-of-law state in the country. Moreover, the legitimacy of state power in Central Asia lies in the fact that the legal culture provides that the formation, powers, limits of state power, the functioning of all power structures are regulated by law, based on the Constitution and legislation of the country.

For example, the principle of shared responsibility of the state and the individual in Kazakhstan can be characterized by the fact that the Constitution of the Republic of Kazakhstan (Article 1) as the basis of legal culture has fixed the provision that a person, his/her life, rights, and freedoms are the highest values [4]. The recognition, observance, and protection of the rights and freedoms of a person and citizen is the duty of the state. This established the priority of the individual in the system of socio-political values of the Kazakh state and society. At the same time, according to Section II, the Constitution of the Republic of Kazakhstan guarantees the equality of human and civil rights and freedoms, regardless of gender, race, nationality, language, origin, property and official position, place of residence, beliefs, or other circumstances [5].

An important factor in limiting state power and the mutual responsibility of the state and the individual in Kazakhstan is, on the one hand, the development and protection of the rights and freedoms of citizens, the increase of their importance in the legal and political sphere [6], and on the other hand, the consolidation of personal responsibility in the Constitution of the Republic of Kazakhstan before the state and society. In this regard, for the normal interaction of an individual and the state in Kazakhstan, it is necessary to eliminate the extremes of individualism, selfishness, and collectivism.

Meanwhile, Kazakhstani practice shows that the principle of mutual responsibility between the state and the individual is difficult to implement and is far from ideal [7]. Therefore, the cutting edge of the legal culture and legal policy of the Republic of Kazakhstan should be aimed at developing legislative measures against arbitrariness, red tape, corruption, disrespect for individual rights and other violations of the law. At the same time, Kazakhstan attaches particular importance to the legal culture policy in that, on

the one hand, guarantees for the rights of civil servants are enshrined, and on the other, restrictions and prohibitions in their activities.

It should be noted that along with the state represented by its individual bodies and officials, the political parties and socio-political movements, which can be defined as organizations focused on achieving legal control over governance through the election process, are the active political entities of the legal culture in Central Asia. The policies they develop are embodied, particularly, in election platforms, in program documents, in materials of party congresses, etc.

The degree of impact of political parties and socio-political movements on the formation process of the legal culture in Central Asian countries can be judged at least on the basis that any important new law is a result of a compromise developed with the participation of various parties, movements expressing the requirements of those social groups whose representatives they are. The modern state in Central Asia is based on a compromise [8], and its Constitution is a compromise reconciling the various aspirations of the most influential social groups in the state.

In order to evaluate the contribution of Central Asian political parties and socio-political movements to the modern legal culture of the state, it is necessary to estimate the electoral programs of these political entities (for example, elections to the Parliament of Central Asian countries).

In this regard, it should be emphasized that many entities of Central Asian countries participate in the formation and implementation of the state's legal culture policy.

For example, citizens of Kazakhstan take part in the development and implementation of the legal culture of the Republic of Kazakhstan as political subjects. The Constitution of the Republic of Kazakhstan secured the possibility of holding referendums on the most important issues of state life so that everyone could express their political will. In addition, according to the Constitution of the Republic of Kazakhstan, all citizens of the Republic of Kazakhstan are endowed with the same voting rights [9], etc.

It should be noted that the legal culture policy of the Republic of Kazakhstan is developed by all those who have the right to legislative initiative: the President of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan, the deputies of the Parliament of the Republic of Kazakhstan, the government of the Republic of Kazakhstan, the legislative (representative) bodies of the Republic of Kazakhstan, the Constitutional Council of the Republic of Kazakhstan, and the Supreme Court of the Republic of Kazakhstan. In addition, political parties and other public associations, as well as citizens, participate in the formation and implementation of the legal culture policy of the Republic of Kazakhstan, as well as citizens, not directly, but through official channels and the press.

A major role in this process is played by the courts, prosecutorial, investigative and other jurisdictional bodies with their rich law enforcement practice. They often substantially correct the legal culture that they implement, as if they test it for vitality and effectiveness, identify weaknesses and strengths in it, make necessary proposals, recommendations for its improvement.

In this regard, we emphasize that when improving the legal culture policy of the Republic of Kazakhstan and other Central Asian countries, public opinion should be taken into account, if possible [10], otherwise it will not adequately reflect the real state of affairs in society, the dynamics of its development. At the same time, in some cases, when making the crucial political and legal decisions, one cannot blindly rely solely on public opinion, trying to please the public at any cost: difficulties may arise with its implementation and, ultimately, subjects of the legal culture policy of the Republic of Kazakhstan and other Central Asian countries will not achieve their goal.

According to some experts, the focus on public opinion should not always be regarded positively. For example, the law-making body is under massive pressure from public opinion. One cannot ignore it, but it is equally dangerous to follow the repressive mass consciousness. Crime requires retaliation, but a sense of justice and common sense should not be overwhelmed by blind hatred and a thirst for reprisal.

Of course, public opinion in Central Asia cannot be ignored, but it is unacceptable to make the most important political and legal decisions, blindly relying only on it and trying to please the public at all costs. The main task here should be the protection of human rights and freedoms. [11].

Political entities of legal culture in Central Asia contribute to the formation of civil society in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Since the semantic and meaningful value of the legal culture of Central Asia in the formation of civil society lies in the systematic activity of

developing, adopting and implementing an appropriate regulatory framework, this gives the opportunity to clearly and intelligibly define the sequence of steps to achieve the goals.

In our opinion, the first step in building civil society in the countries of Central Asia should be the normative consolidation of this goal as part of national policy. The need for such an action is caused by the fact that the concept of "civil society" is enshrined in the Constitutions of the countries of Central Asia. To fill this gap, it seems to us advisable to make an appropriate amendment to the Constitutions of the countries of Central Asia.

It should be pointed out that the political entities of the legal culture of Central Asian countries not only impact the creation of civil society in the country but also protect the rights and freedoms, honor and dignity of a person.

The most urgent task of the subjects of the legal culture policy of the countries of Central Asia should be to ensure the most justified, quick and effective restoration of the violated right or compensation for the harm caused. For example, annually, according to the protests of the prosecutors of Kazakhstan, about 25 thousand illegal acts [12], adopted at different levels of authorities, are often canceled to the detriment of the legitimate interests of an unlimited number of people. It's worth noting that due to the current relevance of protecting rights and freedoms, the feasibility of adopting a special republican law that reveals the basic concepts and specifies the right to protect these values is obvious. This is dictated not only by socio-political circumstances but also due to the fact that the current legislation of the Republic of Kazakhstan does not fully protect rights and freedoms, fragmentarily regulates specific manifestations of invasions and infringement of rights and freedoms.

It should be said that the proclamation of the protection of the rights and freedoms of the Central Asian person does not mean that people enjoy this protection; the rights and freedoms protection of a Central Asiatic cannot be realized only through proclamation, as well as education and training. It acquires real content, if provided, guaranteed in specific villages, auls, ails, kishlaks, districts, regions, Central Asian Republics, as well as in other countries of the world. To what extent this is ensured in Central Asia and the countries of the world community, including those which political leaders shout more loudly than others about human rights and freedoms, one can understand, in particular, from such examples. According to our estimates, in western developed countries almost every 10-12 able-bodied people are almost always unemployed; and in Central Asia, about 25-30% of the population is unemployed; in the developing countries of Asia and Africa, a significant part of the population is starving; American women receive much less for equal work than men; for more than 50 years, Israel has occupied the Arab lands, and Iraq is under US occupation, etc.

Of course, human rights and freedoms in modern Central Asia and the world are far from being fully ensured [13], but this does not mean that they are not subject to progress. As the historical, socio-political development of society, the protection of human rights and freedoms expand, are filled with new content, that is, the legal culture is being improved.

But at the same time, one of the political science problems affecting Central Asia, the world community as a whole and currently being the focus of discussion is the issue of protecting human rights and freedoms as the implementation of the legal culture policy and public policy in general. This problem has become acute in the 21st century. The protection of the rights and freedoms of the Central Asian people is the achievement of the political subjects of the legal culture of Central Asia and the result of the scientific state policy of the countries. At the same time, the main task of the legal culture of Central Asian society is to turn human rights "simultaneously into the subject matter and into practice" [14].

Thus, from the foregoing, we can conclude that the legal culture in Central Asia is developed, implemented based on the interaction of all entities included in the political and legal system of the countries of Central Asia, and receives concentrated expression in republican target programs, doctrines, development concepts, international treaties of Central Asian countries, in laws and other regulatory legal acts of Central Asian states, as well as in other official political and legal documents. The legal culture of the Central Asian countries is the activity of political entities - the state, political parties, social movements, individuals and their associations in Central Asia in the sphere of legal, political regulation, consisting in the development and implementation of political and legal ideas, principles of a strategic and tactical nature.

Ғ.Р. Әбсаттаров

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ОРТАЛЫҚ АЗИЯДАҒЫ ҚҰҚЫҚТЫҚ МӘДЕНИЕТТІҢ САЯСИ СУБЪЕКТИЛЕРІ

Аннотация. Мақалада нақты материалдарда саяси ғылымда әлі зерттелмеген Орталық Азиядағы құқықтық мәдениеттің саяси субъектілерінің мәселелері қарастырылады. Мақалада Орталық Азиядағы құқықтық мәдениеттің түрлі саяси субъектілері-мемлекет, үкімет және оның органдары, саяси партиялар, қоғамдық – саяси қозғалыстар егжей-тегжейлі зерттеледі. Әрбір Орталық Азия мемлекеті елдегі құқықтық нормаларды орнатуда жетекші рөл атқарады. Сонымен қатар ол құқықтық мәдениет саясатының ең белсенді субъектісі болып табылады. Ол оны өндіру мен іске асыру процесіне әсер етіп қана қоймай, оны толығымен анықтайды. Орталық Азиядағы құқықтық мәдениет саясатының саяси субъектісі – Қазақстан, Қырғызстан, Тәжікстан, Түрікменстан, Өзбекстан үкіметі. Мемлекеттің құқықтық мәдениет саясатын әзірлеуге және жүзеге асыруға ел Үкіметінің құрылымдық буындары қатысады. Мемлекеттің құқықтық мәдениет саясатын әзірлеу мен жүзеге асыруда еліміздің Әділет министрлігі ерекше орын алады. Елдің Әділет министрлігі осы саясаттың негізгі генераторы және үйлестірушісі және оның катализаторы болып табылады, өйткені құқықтық, сот, қылмыстық-атқару және т.б. реформаларға байланысты оқиғалар орталығында болған.

Орталық Азиядағы құқықтық мәдениеттің белсенді саяси субъектілері ретінде сайлау процесі арқылы басқаруды заңды бақылауға қол жеткізуге бағытталған ұйымдар ретінде анықтауға болатын саяси партиялар мен қоғамдық-саяси қозғалыстар болып табылатынын атап өткен жөн. Олар әзірлейтін саясат өзінің іске асуын, атап айтқанда, сайлауалды тұғырнамаларда, бағдарламалық құжаттарда, партиялық съездер мен т. б. материалдарында табады. Орталық Азия елдерінің құқықтық мәдениетін қалыптастыру процесіне саяси партияларының және қоғамдық-саяси қозғалыстардың ықпал ету дәрежесі туралы қандай да бір маңызды жаңа шығарылған заң, олар өкілдері болып табылатын әлеуметтік топтардың талаптарын білдіретін түрлі партиялардың, қозғалыстардың қатысуымен жасалған келісімнің нәтижесі болып табылады деген негізде айтуға болады. Орталық Азиядағы қазіргі заманғы мемлекеттің өзі ымыраға негізделген, және оның Конституциясы мемлекеттегі ең ықпалды әлеуметтік топтардың түрлі ұмтылыстарын татуластыратын ымыраға келіп отыр. Мақалада Орталық Азия елдерінде құқықтық мәдениеттің саяси субъектілері мемлекет атынан Парламент, Президент, тұтастай алғанда Үкімет және Үкімет басшысы, Орталық банк, Әділет министрлігі, Сыртқы істер министрлігі, басқа да министрліктер, мемлекеттік комитеттері мен комиссиялары бола алады. Орталық Азиядағы құқықтық мәдениеттің саяси субъектілері азаматтық қоғамды құруға ықпал етеді және адамның құқықтары мен бостандықтарын, ар-намысы мен қадір-қасиетін қорғайды. Сонымен қатар, мақалада пікірталас мәселелеріне де назар аударылды.

Түйін сөздер: саясат, құқық, мәдениет, субъект, мемлекет, Үкімет, министрлік, құқық қорғау органдары, саяси партиялар, Қоғамдық – саяси қозғалыстар, ел, азамат, билік, әділдік, заң.

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ПОЛИТИЧЕСКИЕ СУБЪЕКТЫ ПРАВОВОЙ КУЛЬТУРЫ В ЦЕНТРАЛЬНОЙ АЗИИ

Аннотация. В статье на конкретных материалах рассматриваются вопросы политических субъектов правовой культуры в Центральной Азии, которые еще не изучены в политической науке. Более подробно исследуются различные политические субъекты правовой культуры - государство, правительство и его органы, политические партии, общественно – политические движения в Центральной Азии. Каждое центральноазиатское государство играет ведущую роль в установлении правовых норм стране. В то же время оно является самым активным субъектом политики правовой культуры. Оно не только влияет на процесс ее выработки и реализации, но и целиком его определяет. Политическим субъектом политики правовой культуры в Центральной Азии выступает и Правительство – Казахстана, Кыргызстана, Таджикистана, Туркменистана, Узбекистана. В выработке и осуществлении политики правовой культуры государства принимают участие структурные звенья Правительства страны. Особое место в выработке и осуществлении

политики правовой культуры государства занимает Министерство юстиции страны. Министерство юстиции страны является основным генератором и координатором этой политики, и ее катализатором, поскольку находится в центре событий, связанных с реформами: правовой, судебной, уголовно-исполнительной и т.д.

Следует отметить, что наряду с государством в лице его отдельных органов и должностных лиц активными политическими субъектами правовой культуры в Центральной Азии выступают политические партии и общественно-политические движения, которые можно определить как организации, ориентированные на достижение законного контроля над управлением посредством процесса выборов. Вырабатываемая ими политика находит свое воплощение, в частности, в предвыборных платформах, в программных документах, в материалах партийных съездов и т.д. О степени влияния политических партий общественно-политических движений на процесс формирования правовой культуры стран Центральной Азии можно судить хотя бы на том основании, что всякий сколько-нибудь важный новоиздающийся закон является результатом компромисса, выработанного при участии различных партий, движений, выражающих требования тех социальных групп, представителями которых они являются. Само современное государство в Центральной Азии основано на компромиссе, и его Конституции есть компромисс, примиряющий различные стремления наиболее влиятельных социальных групп в государстве.

В статье отмечается, что политическими субъектами правовой культуры могут выступать от имени государства Парламент, Президент, Правительство в целом и глава Правительства в отдельности, Центробанк, Министерство юстиции, Министерство иностранных дел, другие министерства, государственные комитеты и комиссии стран Центральной Азии. Политические субъекты правовой культуры в Центральной Азии влияют на создание гражданского общества и защищают права и свободы, честь и достоинство человека. Вместе с тем, в статье уделено внимание и дискуссионным вопросам.

Ключевые слова: политика, право, культура, субъект, государство, правительство, министерство, правоохранительные органы, политические партии, общественно – политические движения, страна, гражданин, власть, справедливость, закон.

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