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G. R. Absattarov

The Kazakh Ablay Khan University of International relations
and world languages, Almaty, Kazakhstan
absat41@mail.ru

ACTUAL PROBLEMS OF LEGAL CULTURE

Abstract. The article deals with the actual problems of legal culture, which have not yet been studied in the political science of Kazakhstan. The article examines in more detail the issues of system–political characteristics of Kazakhstan's legal culture, the principles and priorities of the legal culture of Kazakhstan society. The system of principles of legal culture of Kazakhstan can include only those provisions, which reveal the main, essential in its content. As the priorities of the legal culture of the Republic of Kazakhstan can be recognized only such fairly generalized guidelines that would be equally important for the law and policy, legal policy and legal culture of Kazakhstan as a whole, and for each of its separate areas of legal culture in the field of political and legal regulation. At the same time, the article focuses on the discussion issues.

Key words: politics, law, morality, legal culture, state, society, personality, rights, freedom, equality, principles, priorities, justice, ideology, responsibility, life, activity.

Introduction

Political and legal culture and its problems have always worried mankind and the people of Kazakhstan. As it's known from history, in the XIX – XX centuries on the basis of political and legal contradictions there were about 200 wars, conflicts, uprisings, riots, putsch, in which, according to our calculations, were maimed and killed about 1.2 billion people. And in Kazakhstan only in the twentieth century were violated the rights and freedoms of millions of people.

All this shows that the problem of legal culture is a complex and multifaceted phenomenon that requires close attention and study. Therefore, scientists are faced with the task of a comprehensive study of new phenomena and processes of legal culture and theoretical generalization, which can contribute to the solution of urgent political, social and legal problems. It should be noted that the problem of legal culture in the CIS, including Kazakhstan, has not yet found sufficient coverage in the works of scientists, especially political scientists, as an independent study.

In this regard, it should be said that in the course of studying the legal culture or various discussions on political and legal problems, one has to face the incorrect approach or incompetence of certain scientists, publicists, lawyers, responsible employees, politicians who negatively affect the formation of the legal culture of the population of the Republic of Kazakhstan. It is important to see the real picture: achievements and shortcomings, difficulties and omissions, excesses and mistakes.

In our opinion, the prospects of our country depend on the scientific knowledge of legal culture and our understanding of the role of politics and law in the development of society. Therefore, a competent approach to the extremely important and unexplored issues of legal culture of the population of the Republic of Kazakhstan in the conditions of market relations and modernization of society is of huge importance.

Naturally, it is impossible to cover all the issues of legal culture of Kazakhstan in one article. Therefore, we will consider only the basic principles and priorities of the legal culture of Kazakhstan. To properly understand the principles and priorities of the legal culture of Kazakhstan, first of all, it is necessary to study the system–political characteristics of Kazakhstan's legal culture.

The system–political characteristics of Kazakhstan's legal culture

As the scientific analysis of socio–political literature shows, the system–political characteristics of Kazakhstan's legal culture has not yet been the subject of a special study in political science. Therefore, based on the challenges facing our study, in Kazakhstan's legal culture should be revealed its concept, socio-political content, definition, etc.

In this regard, the question arises, what is the essence of the legal culture of Kazakhstan? Legal culture of the population of Kazakhstan along with the norms and values of Kazakhstan law is an element of the social culture of Kazakhstan society as a whole. This is a system of real and ideal elements related to the scope of Kazakhstan's law and their reflection in the minds and behavior of Kazakh people. The legal culture of the population of Kazakhstan is a set of all positive components of the legal, moral and political reality of Kazakhstan's society in its real functioning. The legal culture of Kazakhstan society embodies the achievements of legal, moral and political thought, legal policy and the level of legal, political awareness.

It should be noted that the legal culture of Kazakhstan acts as a political phenomenon with a pronounced target orientation, covering the whole set of the most important value components of the legal, socio-political reality in its functioning, genesis. It belongs to the system of Kazakhstan, universal values. This is an integral component of Kazakhstan's democratic society, the subordination of the rule of law to civil society, which guarantees the rights and freedoms of every citizen of Kazakhstan. Finally, the legal culture of Kazakhstan is a set of all components of the legal system of the country in their real functioning in the interests of the progressive development of socio-political reality of the country.

In this regard, we note that the legal culture of Kazakhstan as a socio-political phenomenon is structurally larger than the Kazakh law. It is determined by the diversity of socio-political, cultural and economic life of the Kazakh people. The legal culture of Kazakhstan reflects not only the socio-economic relations and material conditions of social life, but also the historical, cultural, religious, moral principles of socio-political activity and behavior of Kazakhstan in a particular society at a certain stage of its development. Abstract legal culture of Kazakhstan does not exist, as there is no abstract Kazakh law, abstract Kazakh legal consciousness and abstract Kazakh legal activity of the subjects of legal, moral and political relations in the country. We are talking here about the legal culture of a particular Kazakh society, a certain Kazakh society on specific historical and political layers of its development. Along with this, the lessons of the passed stages of Kazakhstan, as correctly noted by E. K. Aliyarov and Z. K. Ayupova, «can have a great influence on the correct understanding of the future path of our state» [1].

It should be emphasized that the legal culture of Kazakhstan is an extremely capacious concept, its social importance in many ways exceeds the boundaries of the normative impact of Kazakhstan's law on socio - political relations, since, being an integral part of the all-Kazakhstan, human culture, Kazakhstan's legal culture directly or indirectly affects the formation of consciousness and activity of the personality of Kazakhstan in various spheres of life of Kazakhstan's society. Therefore, it is no coincidence that the vast majority of Kazakhstan's problems of building a legal state and civil society issues of formation and development of Kazakhstan's legal culture are of direct relevance.

It should be noted that the legal culture of Kazakhstan can be fully disclosed only in the context of socio - political progress, as it is unthinkable without its progressive orientation. In this context, the legal culture of Kazakhstan is interpreted through the prism of the formation of the personality of Kazakhstan, which begins to realize, and then demand and create legal, political means to protect its emerging, developing freedom, rights and autonomy. Understanding of the legal culture of Kazakhstan as a socio-political phenomenon, reflecting the level and nature of the progressive achievements of Kazakhstan society in the legal, political sphere in relation to the subjects of political and legal regulation allows us to distinguish the concept of legal culture in relation to the personality of Kazakhstan.

Therefore, the legal culture of the citizen of Kazakhstan is characterized not only by the «available» level, but also by the internal potential [2]. From this point of view, the legal culture of the personality of the citizen of Kazakhstan is a certain character and level of creative activity. Thus, the level of legal culture of Kazakhstan reflects the degree of maturity, civilization of the citizen of Kazakhstan, his way of thinking and standards of behavior.

Legal culture of Kazakhstan as a complex system of education is a set of material and spiritual achievements in the legal, political life of Kazakhstan society. It acts as a meaning-bearing and meaning-transmitting aspect of Kazakhstan and human practice, as well as its results in the legal, political life of society. Therefore, in turn, the legal culture of the personality of the citizen of Kazakhstan is expressed in the views of citizens as subjects of law, policy on legal, political phenomena, which are embodied in practice as a style of their activities. At the same time, the legal culture of Kazakhstan both determines the forms of life of a citizen and is a way of realizing his / her creative abilities.

In this regard, it should be said that the process of formation of the legal culture of the personality of Kazakhstan is characterized by versatility, a large set of components, a variety of ratios of qualitative and quantitative, objective and subjective factors, a variety of forms and manifestations and dynamics of development. This inevitably leads to certain differences in the legal culture of specific Kazakh people, which allows us to talk about the levels and types of legal culture of the individual of Kazakhstan.

Legal culture of Kazakhstan serves as a channel of «interaction, mutual respect of the individual, society and the state» [3]. Its main purpose is not to remove, but to join the society and public activities of Kazakhstan. It is connected with such essential features as purposefulness, implementation of power functions in the state, the society ordering influence on all range of the social and political relations of the country. The legal culture of Kazakhstan becomes a real tool of social, political and economic reforms, modernization, which have a significant impact on the functioning of the political and legal system of our state and civil society as a whole.

Based on the results of existing research of legal policy and legal culture of Kazakhstan, it is possible to characterize the Kazakh legal culture as the degree of mastery of law, policy in action, in particular, self-consciousness, responsibility in the implementation of the requirements of law, policy, creative orientation to the General Kazakh, universal values and norms, as well as features of national culture in controversial political and legal situations, involving in its highest manifestation intuitive political and legal behavior, participation in law-making and in the development of the state policy of the country. Thus, Kazakhstan's legal culture as a socio-political phenomenon is a complex phenomenon, a certain unity of the universal, special and individual. The effectiveness of each element in the overall mechanism of influence on the citizen of Kazakhstan varies depending on a range of factors, including: time, socio-political space, economic situation, political situation. Each component of this mechanism can be a determinant element under the condition of influence on consciousness and legal consciousness of the personality of the citizen of Kazakhstan and Kazakhstan society as a whole [4].

It should be noted that the socio - political function of the legal culture of Kazakhstan largely exceeds the boundaries of the normative impact of Kazakhstan's law on public relations. It directly or indirectly influences the formation of consciousness and activity of different layers of Kazakhstan society, their social and political relations, directions and rates of development of social and political structures. Having an impact on the object of its application, the legal culture of Kazakhstan is in a dynamic state. The general direction of its development is progressive; however, this fact does not exclude the stages, the possibility of "backward" movement, a kind of regression. Then the legal culture of Kazakhstan becomes one of the levers of negative forces in society, constraining the process of progressive development. Thus, the legal culture of Kazakhstan, being the most dynamic part of the general culture of Kazakhstan's society, at the same time itself is most exposed to changes generated by the main trends of modernization of Kazakhstan's society. At the same time, the main priority factor in this process is the activity of the Kazakh people, concentrating the main trends of socio-political reality, and, consequently, the essential characteristics of the legal culture of Kazakhstan society, any institution of the political and legal system of Kazakhstan or an individual citizen of Kazakhstan. All this does not mean ignoring the spiritual aspects of the legal culture of the population of Kazakhstan. That is why thinking and activity form the beginning of the legal culture of the Kazakh society and personality of the citizen of Kazakhstan. At the same time legal culture covers «all spheres of society» [5].

In this regard, it should be emphasized that the political definition of the legal culture of Kazakhstan expresses, in essence, the socio-political relationship and interaction of the individual, the state and society, and in this capacity such an assessment acts as a system-political characteristic of legal culture in the context of political processes.

The legal culture of Kazakhstan is a political phenomenon, a certain character and level of activity of the personality of Kazakhstan citizen, in the process of which it acquires or develops its legal, moral and political knowledge, skills. In addition, the legal culture of Kazakhstan can exist as a result of cultural activities in the field of law, politics.

Summarizing, we can say that, firstly, the Kazakh legal culture is an installation constituting a moral-social, the political basis of the maturity of the Kazakhstan society; secondly, the basic requirement of effectiveness of legal culture of Kazakhstan is the improvement of the quality and level of socio-legal and political life of the society and the individual countries. This can be expressed in ensuring guarantees of the status of citizens, in the coherence and predictability of the actions of the political power of Kazakhstan; thirdly, Kazakhstan's legal culture is essentially an expression, a reflection of the essence of the content and functions of the rule of law, and the result of the implementation of the legal policy of the Republic of Kazakhstan.

The principles of the legal culture of the Kazakhstan society

The concept of «principles of legal culture» entered into scientific circulation relatively recently. Therefore, the comparative «youth» of the concept of the principles of legal culture is manifested in the absence of a well-established, generally accepted approach to its interpretation and application, which in itself creates certain difficulties in the study of this issue.

It should be noted that the principles of legal culture of the Republic of Kazakhstan is what the formation and dynamics of its action is based on, which allows to determine the political nature of Kazakhstan's legal culture as such.

As has been the experience of Kazakhstan, legal culture, before to fit their purpose, to have a system of guidance that can be started in public and political life, that is system defined-governmental scientific principles, thanks to which it acquires the stability, orderliness, harmony and predictability. Consequently, the principles express the essence of the legal culture of the country. Without reliance on the system of guiding principles, the implementation of the tasks of the legal culture of the Republic of Kazakhstan becomes unreal.

The system of principles of legal culture of the Republic of Kazakhstan, in our opinion, can be attributed only to those provisions, which reveal the main, essential in its content. For example, the definition of priorities for the development of Kazakhstan's legislation, the grounds, nature, scope and limits of legal impact, etc.

In this regard, it should be said that the General principles of the legal culture of the Republic of Kazakhstan include: scientific validity; realism; objectivity; conditionality to the needs of the people, society; predictability; legitimacy; democratic character; fairness; social orientation; humanism; transparency; combination of the interests of the individual and the state, national and universal; priority of human rights, compliance with international standards. We think that these principles are quite clearly formulated requirements of the Kazakh society to the legal culture.

In this regard, the task is seen not only to clearly define the general principles of Kazakhstan's legal culture, but also not to simplify the issue of these principles, i.e. not to reduce it only to a simple list of these principles without substantiating their system, without relying on the theoretical basis of their allocation. Therefore, in consideration of the principles of legal culture of the Republic of Kazakhstan it is important to rely on developed by scientists – social scientists the concept of the unity and interpenetration of politics and law, of human culture and legal culture.

One of the principles that determine the implementation of the legal culture of the Republic of Kazakhstan of its socio-political role is a combination of persuasion and coercion. At the same time, the task of persuading Kazakh people will always be among the important tasks of state policy.

Note that persuasion and coercion in Kazakhstan are not legal phenomena and concepts. At the same time, they serve as a universal method of functioning of any kind of public power, the implementation of any socio-political management. They are used in all kinds of social and political regulators-customs, moral, corporate, religious and other social norms and rules.

It should probably be said that the distinctive feature of persuasion, coercion and their combination within the legal culture of the Republic of Kazakhstan is that they are related to the regulated political and legal norms of the state. Therefore, persuasion and coercion in Kazakhstan are the state legal policy and legal culture behind which the state apparatus stands. As a result, persuasion and coercion in our country have become political in nature and are therefore used as a means, method, principle of the implementation of legal policy and legal culture of their goals and objectives. At the same time, in this role, persuasion and coercion in Kazakhstan act as a means of protecting the norms formed by the action of legal policy and legal culture from violations.

In this regard, we note that an important principle – a requirement for the legal culture of the Republic of Kazakhstan is the principle of combining incentives and restrictions. It focuses on the paired use of such political and legal means as: powers, permits, protected prohibitions, suspensions, punishments and other types of liability. This principle permeates the entire political and legal matter of Kazakhstan, including its phenomenon of legal culture. This principle «can only be implemented in a state governed by the rule of law» [6].

It should be emphasized that in the legal culture of the Republic of Kazakhstan, legal incentives should be reasonably combined with legal restrictions, because it is important for the legislator not only to encourage socially useful behavior, but also to restrain socially harmful behavior that can cause damage to the interests of the individual, collective, people, state and society.

In the context of the General characteristics of the principles of legal culture of Kazakhstan it is important to note that the scientific validity can be attributed to the leading principles of legal culture as it is a mandatory requirement for the legal culture of the Republic of Kazakhstan, without which this phenomenon will not be able to fully function and achieve its goals and objectives. This requirement is due to the need to develop scientific knowledge in Kazakhstan about the legal culture and the objects on which it affects. In addition, the legal culture of the Republic of Kazakhstan is associated with the activities of the state, its power structures and governing bodies. Therefore, the requirement of scientific validity is mandatory for the formation and functioning of Kazakhstan's legal culture. In this regard, not every political and legal phenomenon requires mandatory and strict observance of such a principle. For example, the formation of the Kazakh legal system of the state assumes that the main elements included in it: ideas, legislation, political, legal practice bear a scientific basis. Therefore, the very construction of the Kazakh legal system already implies that there is a scientifically based system, thanks to its elements. As for the phenomenon of legal culture of the Republic of Kazakhstan, there is no Kazakhstan legal culture of the state without direct observance of the principle of scientific justification, and there are ordinary varieties of culture that do not always calculate and predict the results of their activities.

In this regard, it is important to emphasize that the principles of the legal culture of Kazakhstan, in contrast to the principles of Kazakhstan's law, which have great stability and remain unchanged for a long time, do not remain unchanged, once and for all data. On the contrary, they are dynamic and express the general state and development trends of the legal and political systems of Kazakhstan's society, as well as the impact of other social factors (economy, ideology, science). In addition, the principles of legal culture of the Republic of Kazakhstan can not be arbitrary and subjective, not corresponding to reality, i.e. that ideas about them depend only on the views of a particular person.

This approach is due, first of all, to the fact that the principles of legal culture of the Republic of Kazakhstan reflect, regardless of the subjective preferences of individuals, the objective requirements arising from the essence of this phenomenon and the specific historical conditions in which it develops and operates. In this sense, the task of political science is to form the principles that should form the basis of the Kazakh legal culture of the state on the basis of the analysis of these factors.

Thus, it is quite obvious that the principles in the legal culture of the Republic of Kazakhstan reflect the political, cultural and legal ideas embodied in it [7]. In this regard, the importance of the principles of legal culture of the Republic of Kazakhstan is seen, firstly, in the fact that the process of law-making should be refracted through the prism of the guiding ideas of legal policy and policy of legal culture, as the principles of legal culture of the Republic of Kazakhstan not only indicate the way of formation of legislation, but also keep it in the operational framework, providing the necessary stability and unity of society.

Secondly, the importance of the principles of legal culture of the Republic of Kazakhstan is that they act as a regulator of law enforcement and political activity. Practice, focusing on them, carries out law enforcement, political activity not only in strict accordance with the letter of the law, justice, but also in accordance with the spirit of political and legal requirements. The guiding principles here serve as a guarantee of the correct application of legal regulations and political, moral norms.

Thirdly, the effectiveness of the implementation of the legal culture of the Republic of Kazakhstan largely depends on the correct understanding of citizens of the basic political and legal principles. Thus, the results of political studies show that in the field of mass legal consciousness, political consciousness in compliance with political and legal regulations is much more important the assimilation of political and legal principles than the knowledge of specific rules.

As you can see, the principles of legal culture of the Republic of Kazakhstan are closely bound with the principles of politics, law, culture, but at the same time perform a different role, have a different orientation. The same idea can be expressed as follows: the unity of the principles of politics, law and legal culture does not mean their full coincidence.

In this regard, for example, it is possible to determine the following, the most important features of the principles of legal culture of the Republic of Kazakhstan from the principles of Kazakhstan law: firstly, they are enshrined not only in the law, but also in the policy documents; secondly, they determine not only the nature of the legislation, but also the practice of its application; thirdly, they are among the "components" of the principles of law; fourthly, they reflect the principles of law, represent the specification of the latter in relation to a specific field or activity.

Political analysis of the unity and differences of the principles of policy, law and principles of legal culture of the Republic of Kazakhstan through the prism of the nature of the latter, allows to identify specific requirements, manifested in other principles. Thus, since the legal culture of Kazakhstan is an activity, the most important principle for it is the principle of realism. The requirements contained in this principle encourage to make political and legal decisions strictly corresponding to the real and actual needs of Kazakhstan - the people, society and the individual. In other words, this principle obliges the subjects of legal culture of the Republic of Kazakhstan to adopt such programs and determine the strategic goals and tactical objectives that can be practically implemented, guaranteed to be achieved «for the stable development of independent Kazakhstan» [8]. And if you ignore the same principle – the requirements of realism make policy legal culture in utopia, negate the results of its activities.

The General characteristic of the principles of legal culture of the Republic of Kazakhstan is the important fact that the principles of positive law should be based on the principles of legal culture, but they concretize and detail them, saturate the last political and legal matter.

Thus, the above principles to some extent can contribute to the deepening of the existing understanding of the legal culture of the Republic of Kazakhstan. At the same time, taking into account the above judgments, it can be concluded: firstly, that the principles of legal culture of the Republic of Kazakhstan are the initial, defining ideas, requirements (settings) that make up the moral and organizational basis for the emergence, development and functioning of Kazakhstan's legal culture; secondly, that the main requirement for the effectiveness of the legal culture of the Republic of Kazakhstan is to improve the quality and level of legal life of society and the individual. This can be expressed in ensuring the security of the status of citizens, in the ability to plan their lives for the future, in the coherence and predictability of the political authorities, and in determining the priorities of the legal culture of Kazakhstan.

The priorities of the legal culture of Kazakhstan

As in political science such question as priorities of legal culture of the Republic of Kazakhstan as a whole practically wasn't studied, and its problem, naturally, didn't arise. Meanwhile, the question is, with his obvious knowledge, it is extremely relevant and significant for both the theory and practice of Kazakhstan.

In every political document and law of Kazakhstan, claiming to take a worthy place in the advanced political, legal system and legal culture, there should be a kind of «highlight» - one or more interrelated

fundamental ideas that would give it a special meaning and socio-political significance, would give way to the solution of the urgent problem.

But the "highlight" of the political, legal reform, the whole legal culture in Kazakhstan is that there should be priorities in such a reform, in such a culture [9].

The study of the legal framework and political documents of Kazakhstan shows that in practice there is no uniform approach to addressing the issue of priorities of legal culture. Quite chaotically adopted at different levels of individual regulations, which are not subject to a single beginning, unifying the idea, not related to each other, and sometimes contradict each other.

In this regard, it should be said that the issue of the priorities of the legal culture of the Republic of Kazakhstan should be approached very carefully, especially since a balanced approach to the adoption of legal acts is implied by itself. At the same time, it should be remembered that certain areas of legal culture should be linked together, subject to common goals and focus on the same political and legal values.

On the issue of priorities of the legal culture of the Republic of Kazakhstan has not yet said its weighty words and political science. It is impossible not to see, for example, that some political scientists, investigating a specific problem, consider it with the most priority, without noticing other. They therefore propose an appropriate set of measures relating only to the problem under study, without linking it to other priorities. In addition, a number of researchers in Kazakhstan are trying to make unsubstantiated opposition of one priority to another.

It follows from this that the priorities of the legal culture of the Republic of Kazakhstan can be only such guidelines, which would be equally important both for politics, law, legal policy, legal culture in general, and for any branch of law, legal culture, for each type of policy, any sphere of political and legal regulation.

Without denying that at the present stage of development of Kazakhstan's society, the policy of legal culture of the state should focus primarily on the observance and protection of priority and inalienable rights and freedoms of the individual, it is important to consider this priority in a dialectical relationship with the processes and phenomena that arise in the country. Modern socio-political life of Kazakhstan is so complex and dynamic that it requires huge efforts of the state and society to streamline it. In order to really respect and protect the rights of Kazakhstan people, it is necessary to create the necessary conditions, i.e. not to put the «cart before the horse».

In this regard, it seems quite logical to consider the actions of the legal culture of the Republic of Kazakhstan in the sphere of formation of the rule of law and civil society as the most important priorities not as an end in itself, but in the name of real human rights and its legal development [10]. Therefore, the formation of the rule of law and civil society is among the most common priorities of Kazakhstan's legal culture.

It should be said that the political and legal life of Kazakhstan's society insistently requires that in the field of politics and legal culture on the formation of the rule of law were issues related to strengthening the interaction of state power and local self-government. At the same time, for the rule of law, as D. K. Kshibekov notes, «it is dangerous when a gap between the government and the people is formed. The strength of the state is unanimous support for government policy» [11].

Thus, the formation of the rule of law is a priority area of legal policy and legal culture of the Republic of Kazakhstan. In achieving this goal, this policy should strive to develop the idea of the rule of law, to search for the most appropriate and acceptable forms of its activities in those areas of life of Kazakhstan's society that need legal influence through its means. In this sense, the strength of the legal culture of the Republic of Kazakhstan is that it by its nature has the ability to take into account both the specifics of Kazakhstan as a whole, and the characteristics of each region of the country. Today, the task of combining theoretical views on the rule of law with the daily specific activities of the state and municipal institutions is put to the fore. Therefore, it is time to shift the center of gravity to the practical implementation of the tasks on the formation of the rule of law in Kazakhstan, without postponing it for the future. Otherwise, the belief in the possibility of such a state is undermined. For this purpose, we believe, first and foremost, you need to create at least some conditions. These include: development of market economy; implementation of the course of democratic development of society; strengthening of all

levels and branches of political power, improvement of the state mechanism; implementation of social obligations to society; improvement of living standards of the population; development of the spiritual sphere; increase of political, legal culture and political, legal consciousness of citizens.

These measures on the formation of the rule of law in Kazakhstan will be a necessary condition and an important prerequisite for the creation of civil society and the rights and freedoms of man and citizen in our country.

It follows that the transition to civil society in Kazakhstan promises to be long and difficult. In order to give this process stability and intensity, it is necessary to have an effective activity of the policy of legal culture aimed at the formation of civil society in Kazakhstan. As such, this culture can be a science-based, consistent and systematic activity of state bodies with the participation of public organizations, structures to create the necessary conditions and, above all, an effective mechanism for the functioning of civil society in our country.

Among the long-term objectives of the policy of legal culture of the Republic of Kazakhstan in the field of formation of civil society are: ensuring conditions for the free development of human; development of civil society institutions; building a system of legal interaction of the individual, society and the state. The immediate objectives of this policy are: to stimulate the development of social relations; to create legal conditions for the development of economic relations in society; improvement of legislation on public associations, local self-government and the media; development of policy in the field of formation of the institution of private law; determining the priorities of the state in the ideological relations of society aimed at respecting human rights and freedoms.

Therefore, in modern conditions, the main tasks and objectives of the policy of legal culture of the Republic of Kazakhstan should be the real protection of human rights, as well as the establishment of solidarity and consolidation of society on the basis of coordination of the interests of the entire population. However, the solution to these problems depends largely on the possibility of establishing a balance of freedom and equality as principles on which human rights are based.

It should be said that the system of guarantees for the protection of human rights in Kazakhstan begins with legislation based on political and legal culture. Since the protection of the violated right in Kazakhstan requires accessible legal procedures, the system of legal services, the legal policy and legal culture develop a broad system of protection of the rights of the individual, based on which each person could exercise their rights, bear legal responsibility [12]. However, in reality there is a discrepancy between the constitutional provisions and the practice of their implementation. This situation is of concern because it undermines the authority of the Constitution of the Republic of Kazakhstan, the credibility of the authorities and respect for the court. In this regard, it is necessary to increase public confidence in them «through democratic instruments» [13].

The peculiarity of the modern stage of development of society has allowed the Kazakh authorities to include corruption, along with crimes against the individual, society and the state, man-made disasters, etc.: first, among the main threats to the security of the country, and, second, the fight against it-one of the priorities of the state. In this regard, the policy of legal culture of the Republic of Kazakhstan as a special tool in the implementation of national policy and, first of all, such a variety as anti-corruption policy [14], which is a system of measures where the key role is played by the political will of the country and regions aimed at combating corruption and protecting the interests of people.

In this regard, we emphasize that corruption in all its forms causes great damage to the state, society and the individual. Moreover, for the first time in Kazakhstan, it has become a real threat to public and national security.

It is important to focus on the fact that corruption in Kazakhstan exists because there is an opportunity for officials to dispose of resources that do not belong to them, while the civil servant is obliged to make decisions based on the goals set by law and public policy. Corruption begins there and when these goals are replaced by the selfish interests of the official, embodied in concrete actions. Unfortunately, the terms «official» or «administrator» are associated in the minds of Kazakhstan people as «bureaucrat», «corrupted», and not as «employee».

In order to develop and implement an anti-corruption policy or a policy of legal culture of the Republic of Kazakhstan in the fight against corruption, it is necessary to have a deep understanding of the main reasons for the existence of this dangerous phenomenon for society, as well as ways to combat it.

Corruption in Kazakhstan's law enforcement agencies remains an important problem [15]. This is an extremely dangerous phenomenon, as corruption in law enforcement agencies contributes to the growth of corruption in the structures of power, and the formation of legal anti-culture.

So, since modern Kazakhstan's corruption has spread horizontally and vertically and seeks to capture new spheres of influence, the political will to fight it should be clearly and fundamentally expressed in a specially developed long-term policy of the state, which today has received in political, legal science its justification as a policy of legal culture. It may well take its rightful place in society as a national policy, together with its component - the anti-corruption policy of the state.

Summing up, it should be said that the priorities of the legal culture of the Republic of Kazakhstan is developed, implemented on the basis of the loan of all subjects included in the political and legal system of Kazakhstan society and receives a concentrated expression in the national target programs, doctrines, concepts of development, etc. Priorities of legal culture of Kazakhstan society is a complex, holistic and active system and, being implemented in all major areas of the policy of legal culture of the Republic of Kazakhstan, requires a comprehensive political approach to their definition and organization.

Conclusion

Political analysis shows that the fundamental changes in the political, socio – economic, legal, spiritual, cultural and other spheres, the adoption of the policy of building a legal, social state in Kazakhstan at the end of the twentieth century predetermined the conclusion that in the new conditions any kind of state policy should be legal, moral and cultural. At the same time, it was understood that in addition to specific types of legal policy, a common Kazakh legal culture should be formulated as a reliable and effective means, based on which the planned transformations and modernization of society could be carried out. In this regard, in order to understand and comprehend the role of this culture in the socio – legal and political life of society, it is necessary to study the principles, priorities and identify its socio – political characteristics.

In this regard, we note that the legal culture of the Kazakh population is a factor of maturity of the legal policy of the Republic of Kazakhstan. The legal culture of Kazakhstan reflects the ideological and legal state of the Kazakh society at a certain historical stage, characterizes the level of legal awareness, knowledge of law, respect for the laws, etc. Therefore, the legal cultures of Kazakhstan express essentially the socio – political relationship and interaction of man, state and society, and in this capacity such an assessment acts as a systemic and political characteristics of Kazakhstan's legal culture.

The legal culture of Kazakhstan has its own principles. Its principles are what the formation and dynamics of its action are based on, which makes it possible to determine the political nature of legal culture as such. The General characteristic of the principles of legal culture of the Republic of Kazakhstan is the important fact that the principles of positive law should be based on the principles of legal culture of the country, but they concretize and detail them, saturate the latter with political and legal matter in the context of social and political progress. At the same time, the legal culture of Kazakhstan has its own priorities.

It should be noted that the priorities of the legal culture of the Republic of Kazakhstan can be recognized only such fairly generalized guidelines that would be equally important for law and policy, legal policy and legal culture of Kazakhstan as a whole, and for each of its separate areas of legal culture in the field of political and legal regulation.

Today, the Kazakh state and society face the task of reaching a new level of development of legal culture through the system modernization and reform of the political and legal system of the country. Therefore, today it is important that the solution of the urgent social and political problems of the principles and priorities of the legal culture of the Republic of Kazakhstan as a whole contribute to the progress and stability of society.

Ғ.Р. Әбсағтаров

Саяси ғылымдарының кандидаты, Абылай хан атындағы
Қазақ халықаралық қатынастар және әлем тілдер
университетінің халықаралық қатынастар
факультетінің деканы, Алматы қ., Қазақстан.

ҚҰҚЫҚТЫҚ МӘДЕНИЕТТІҢ ӨЗЕКТІ ПРОБЛЕМАЛАРЫ

Аннотация. Мақалада саяси ғылымда әлі зерттелмеген құқықтық мәдениеттің өзекті мәселелері Қазақстанның материалдарында қарастырылады. Мақалада қазақстандық құқықтық мәдениеттің жүйелі – саяси сипаттамасы, қазақстандық қоғамның құқықтық мәдениетінің принциптері мен басымдықтары мәселелері егжей-тегжейлі зерттелген. Қазақстанның құқықтық мәдениеті принциптерінің жүйесіне оның мазмұнында басты, магистральды, Елеулі ашылатын ережелерді ғана жатқызуға болады. Қазақстан Республикасының құқықтық мәдениетінің басымдықтары ретінде тұтастай алғанда Қазақстанның құқығы мен саясаты, құқықтық саясаты мен құқықтық мәдениеті үшін де, оның саяси – құқықтық реттеу саласындағы құқықтық мәдениеттің әрбір жеке бағыты үшін де тең дәрежеде маңызды болатын жеткілікті жалпылама бағдарлар ғана танылуы мүмкін. Сонымен қатар, мақалада пікірталас мәселелеріне де назар аударылған.

Түйін сөздер: саясат, құқық, мораль, құқықтық мәдениет, мемлекет, қоғам, тұлға, құқ, бостандық, теңқұқықтық, принциптер, басымдық, әділдік, идеология, жауапкершілік, өмір, заң, белсенділік.

Г. Р. Абсағтаров

Кандидат политических наук, декан факультета международных отношений
Казанского университета международных отношений и мировых языков имени Абылай хана
г. Алматы, Казахстан.

АКТУАЛЬНЫЕ ПРОБЛЕМЫ ПРАВОВОЙ КУЛЬТУРЫ

Аннотация. В статье на материалах Казахстана рассматриваются актуальные проблемы правовой культуры, которые еще неизучены в политической науке. В статье более подробно исследуются вопросы системно – политической характеристики казахстанской правовой культуры, принципов и приоритетов правовой культуры казахстанского общества. В систему принципов правовой культуры Казахстана, можно отнести только те положения, в которых раскрывается главное, магистральное, существенное в ее содержании. В качестве приоритетов правовой культуры Республики Казахстан могут быть признаны только такие достаточно обобщенные ориентиры, которые в равной степени были бы важны как для права и политики, правовой политики и правовой культуры Казахстана в целом, так и для его каждого отдельного направления правовой культуры в сфере политико – правового регулирования. Вместе с тем, в статье уделено внимание и дискуссионным вопросам.

Ключевые слова: политика, право, мораль, правовая культура, государство, общество, личность, права, свобода, равноправие, принципы, приоритеты, справедливость, идеология, ответственность, жизнь, закон, активность.

Information about authors:

Absattarov Galimzhan Raushanbekovich is the candidate of political sciences, the Dean of faculty of the International relations of the Kazakh Ablay Khan University of International relations and world languages, e-mail: absat41@mail.ru.

REFERENCES

- [1] Aliyarov E. K., Ayupova Z. K. Sovershenstvovanie pravovoj sistemy Respubliki Kazahstan i vklad akademika S. S. Sartaeva v stanovlenie pravovogo gosudarstva. Алматы: Экономика, 2016. S. 225.
- [2] Ibraeva A. S. Pravovaya kul'tura Kazahstana: problemy, formirovaniya, faktory razvitiya. Алматы: Қазақ университети, 2004.

- [3] Narbaev B. Osobennosti pravovoj kul'tury kazahskogo naroda: politolo-gicheskie aspekty // Vestnik KazNPU. Seriya sociologicheskie i politicheskie nauki. 2018, №1. S. 10.
- [4] Absattarov G. R. Pravovaya politika i vospitanie pravovoj kul'tury: kazahstanskij opyt. Almaty: Ylarat, 2016. S. 98,100.
- [5] Ahmetov A. S. Pravovaya kul'tura i pravovoe obrazovanie v sovremennom Kazahstane. Pavlodar: TGPI, 2016. S. 10
- [6] Aliyarov E. K., Ayupova Z. K. Sovershenstvovanie pravovoj sistemy Respubliki Kazahstan i vklad akademika S. S. Sartaeva v stanovlenie pravovogo gosudarstva. Almaty: Ekonomika, 2016. S. 120.
- [7] Politische, Sozialogische und rechtliche Probleme der Gesellschaftsentwicklung Kasachstans. Verlin: Verlag Dr. Köster, 2013. S. 135-141.
- [8] Ajthozhin K. K. Sozidatel'nye novelly Osnovnogo Zakona // Mysl'. 2017, №4. S. 10.
- [9] Koncepciya pravovoj politiki Respubliki Kazahstan na period s 2010 do 2020 goda // Kazahstanskaya pravda. 2009, 27 avgusta.
- [10] Absattarov G. R., Kim E. S. Legal person as new socio-political phenomenon // Bulletin of the National Academy of Sciences of the Republic of Kazakhstan. 2018, №5. R. 129-135.
- [11] Kshibekov D. K. Nacional'naya ideya. Almaty: Dajk-Press, 2007. S. 82.
- [12] Kirabaev E. A. Rol' i znanie upolnomochennogo po pravam cheloveka v Kazahstane v obespechenie prav cheloveka i grazhdanina // Vestnik KazNPU. Seriya sociologicheskie i politicheskie nauki. 2012, №1. S. 105-106.
- [13] Berkimbaeva A. Global'nyj dialog vo imya verhovenstva prava // Mysl'. 2019, №4. S. 2.
- [14] Antikorupcionnaya strategiya Respubliki Kazahstan na 2015-2025 gody // Kazahstanskaya pravda. 2014, 28 dekabrya.
- [15] Abrashev R. Vzyatochniki v pogonah // Mysl'. 2010, №3. S. 105-106.

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