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**Z.K.Ayupova<sup>1</sup>, D.U. Kussainov<sup>2</sup>, Winston Nagan<sup>3</sup>**

<sup>1</sup>Kazakh national agrarian university, Almaty, Kazakhstan;

<sup>2</sup>Kazakh national pedagogical university named after Abai, Almaty, Kazakhstan;

<sup>3</sup>University of Michigan, USA

[zaure567@yandex.ru](mailto:zaure567@yandex.ru); [daur958@mail.ru](mailto:daur958@mail.ru)

**NOVELTIES IN THE LEGAL SYSTEM AS MOTIVE  
FORCE OF LEGAL INTEGRATION**

**Abstract.** The development of Kazakhstan's society in the modern period is inevitably associated with the internationalization of political, economic, cultural life, at the turn of the XX-XXI centuries. There was an intensive development of international relations, their quantitative growth and, as a result, a transition to a qualitatively new state, which is characterized by the increasing complexity of the system of transnational economic relations. In this regard, the leading trends in the development of the world economy are internationalization, globalization of world economic life and international economic integration. The most important aspect of international cooperation of states means a whole expansion of the international economic relations. There is an active process of institutionalization of new economic realities, expressed in the development of existing and the formation of new economic blocs, unions, organizations, as well as in the development of various levels of international treaties, entities. Globalization processes have shown an inability to form a fair world order, the existing injustice in the world, since they are based on the formally voluntary acceptance by all countries of the established system of organizing commodity production. At the same time, globalization demonstrates the inability of many states to build a democratic society and at the same time ensure an effective economic system.

**Keywords:** globalization, legal integration, international relations, international law, international cooperation, world economy, economic connections, internationalization, justice worldorder, economic blocks.

International law and the regional (national) law must be regarded as forms of the legal integration, whereas the object of modern legal integration is the legal system in the broadest sense, which is a "repository, the focus of a variety of legal phenomena existing in the society at the same time, and at the same space" [1, P.64]. The structure of the legal system includes a system of law, of justice (legal ideology and legal psychology, individual and public sense of justice), and legal activities (law-making, enforcement and interpretation) [2, P.23].

The legal system, in general, is the subject of the legal integration. The main objects of the impact of legal proceedings legal integration are the following elements of the legal system: the system of law, of justice and legal activities. Relationship between the concepts of "legal integration" and "ways of integrating legal systems" already noted that the objects of legal integration processes are always the structural part of the national legal system. Nevertheless, it is necessary to consider the position in more detail through the causes of changes, features of the process and method of changes in the regulations and the structural parts of the national legal system. In this respect it should be noted that there are two concepts that complement each other, but that it is still necessary to some extent to distinguish: the concept of "legal integration direction", as it was used in this study, and the concept used by the author Skurko E.V. in her monograph "Direction of the integration of the legal systems", stated in the context of the work "The effectiveness of the legal regulation of international trade and economic integration: theory and practice". Despite the similarity they have certain similar features. First seen in the long term study of the common causes of globalization of law and legal integration, when considering the scope of public relations, causing changes in the law. This understanding directions of the legal integration is closely

related to the issue of legal integration objects. The second concept used by Skurko E.V. is to indicate the direction of the change process of the legal system, that is increasingly considered the question of how the legal system, rather than questions about how in this connection and in which structural parts of these changes occur. Nevertheless, these concepts complement each other and allow you to see the picture in the much complete form. The combination of these approaches allows us to see the big picture more fully and draw the appropriate conclusions. To allocate initially and briefly describe the main characteristics of these two concepts: “the direction of the legal integration” and “ways of integrating legal systems”.

Next to consider the main issues related to the spheres of social relations in which the legal integration proceeds and directly linked to the issue of the legal integration objects, that is what is known as “the direction of the legal integration”. In the scientific doctrine common approach in which specific areas of interaction are treated as objects and relationships of legal integration. This approach is interesting, since the interaction of states on certain issues and areas of public relations directly determines what part of the hand and the national legal system should be changed. Indeed, all the legal systems of the world at the moment have been under the influence of certain global problems and challenges, the solution of which is not only national, but also international value and also the solution of which involves the active participation and cooperation. As a consequence, all the legal systems of the world enter into cooperation especially in relation to those objects, and in those areas of public relations. This cooperation on specific issues directly and most significant influence on the intensity of the universalization of legal systems, the convergence of legal families and the overall intensity of legal integration .

We are talking about the scope and areas of cooperation of states and legal systems in the process of globalization of law and legal integration. All the same object will remain relevant part of the legal system, which changes the direction through this cooperation. For example, the direction of cooperation on economic issues is economic change aspects of the legal system. In this approach, we can also be considered as a certain kind of an array of objects of social relations on a particular issue. Again, economic cooperation is the leading trend of legal integration. This means that it is the part of public relations in the economic sphere, the subject of cooperation and integration, which leads to a change in the relevant part is the legal system. Consequently, we can consider this issue in the areas of cooperation of globalization, as they directly relate to areas of legal integration (globalization in the field of law) and determine which part of the legal system and how it is changing and evolving. Moreover, this consideration directions interstate and international cooperation (cooperation projects) is the interest to determine the trends and prospects of the development of legal integration .

Doctrine identifies a set of the objects of the legal integration and inter-state cooperation as a consequence of joint efforts to solve global problems. For example, Cholahyan A.V. identifies as the most important objects of cooperation the following [3, P.17]: 1) protection of human and civil rights; 2) the protection of private and other forms of property; 3) maintenance of world order; 4) countering extremism and terrorism.

Famous Russian scholar Lazarev V.V. [4, P.91] agrees that globalization (and the legal integration, respectively) focused on specific areas of cooperation on issues of concern. In particular, it considers the globalization as an attempt to stabilize the world through the application of joint efforts in world politics, the main trend which “understanding the integrity of the modern world and global issues as a priority foreign policy objectives”. As such global problems it highlights problems with the character of “universality”, affecting every state and that can be solved only with the cooperation of the states. As a sign of the universality of the problems under consideration, he points out the following: “... first, these problems affect the interests of all mankind, and in the future and the future existence of the human society ... and secondly, these problems manifest themselves as objective characteristics of the development society ... and thirdly, the pendency of a threat to the future of humanity, society hinders progress ... and fourthly, they can be solved only through the efforts of the entire international community ... ; fifthly, they assume the primacy of international law ... “ [5, P.58]. He identifies the following groups of global issues with respect to which there is a combination of objectives for cooperation among states in the framework of world politics:

- international cooperation and consolidation of peace;
- ensuring human rights and freedoms;
- national and international security;

- ecology;
- population or establishing population equilibrium of the planet;
- scientific and technological revolution and the use of its results for overcoming backwardness;
- international cooperation in the fight against crime and other antisocial phenomena.

It should be noted that although this approach allows a certain classification, and further research is still fairly truncated. It can not be directly and immediately interpreted to highlight objects of legal integration, as Lazarev VV spoke in this approach a few of the other - on the spheres and directions of world politics. Although in relation to these areas or objects of the legal integration really is intense enough, this approach allows us to look at the situation as a whole. It follows from a certain approach in understanding the essence of the globalization process, there are other approaches other isolated areas where the impact of globalization and legal integration is also very large. A striking example is the approach that views globalization as a process complexity of economic relations. We did see that in the economic sphere legal integration is very well defined and there is reason to consider an array of economic relations (and the relevant part of the legislation) as an object of legal integration. However, this area is not considered approach by Lazarev V.V., since was used a different understanding of globalization. Therefore, when considering the objects (or areas) of the legal integration is necessary to consider different approaches to the understanding of globalization as a whole ( its goals and objectives in particular).

Below are examples of areas of legal integration, which as the objective requirements of social development and the challenges of globalization to progress determine the development of the legal integration and change certain parts of the legal system, i.e. the impact on the object of legal integration. Identifies examples of the most relevant and interesting areas of legal integration: the sphere of economic cooperation, the foundations of public administration and regulation of social relations.

Economic cooperation is one of the most important areas as the general globalization and legal integration. Increased intensity of international economic relations naturally comes to the intertwining of economic structures. This process entails a chain reaction of legal integration on various issues and not only in the economic sphere. Economic relations as a basis for legal integration play an important role at the international level and at the regional. In recent decades, globalization itself is seen as a process driven by economic integration.

Today there are two main ways of the legal integration in the sphere of economic relations:

- development of the law of the World Trade Organization ( WTO );
- regional economic and legal integration processes.

Global economic integration is the development of a unified system of regulation of international relations. Leading role in this process is played by the World Trade Organization - as a continuation of a regional instrument - the General Agreement on Tariffs and Trade. Membership in this organization of states with different from each other economic and political systems causes the formation of mandatory rules of international economic law. Thus, the legal integration in the economy at the global level passes through the WTO law. Doctrine considers these two processes as two interrelated aspects of a single process - globalization, though noted the fact that sometimes the activities of supranational regional entities may not coincide with the general direction of economic globalization, and the regional rule of law can claim to be "independent significance in the international legal system".

It is an interesting opinion of Melnikov V.V. expressed in the master's thesis in 2008, "international legal regulation of regional economic integration in the WTO that one of its main trends is the formation around a single or group of most developed countries in areas of integration, which are embodied in various international legal forms, as determined by various degrees of integration processes in specific regions of the globe" [5, P.60]. This approach is to some extent a continuation of the findings of this study on the role of regional integration as a tool of globalization in general, and the globalization of law, in particular. However, in his work Melnikov V.V. takes a slightly different position, considering the development of international law and regional law as two different mechanisms and tools of legal integration. In particular, notes that "there are two types of international legal mechanisms to regulate international economic relations ( WTO RIO ) is well-founded fear "deformation" or "fragmentation" of the international economic order"[6, P.17].

Legal integration processes affect the entire legal system of the state and lead to different legal traditions borrow from other systems, especially in the public administration[7, P.48]. Activities of public bodies, the operating principles, the structure of the state apparatus, and many other aspects of public administration are the subject of international attention. An example would be widespread in the legal systems of the world of the Ombudsman or the Commissioner for Human Rights, which clearly is the result of the legal integration and development of the law. In this regard, a significant influence development of international law and cooperation of the international level[8, P.13]. Today the international community set various standards activities and the operation of various power structures, which can not affect the legal system of the state, as well as the work itself of the power structures.

In the conclusion we would like to stress, that universalization of the principles of work and construction of the state apparatus and borrowing respective legal traditions principles is the legal aspect of integration, since the presence and work of this particular power structure is reflected in the national legislation and the universalization of the state structures affects the universalization of the legal support of their activities.

**З.К. Аюпова, Д.Ө. Құсайынов, У. Наган**

### **ҚҰҚЫҚ ЖҮЙЕСІНДЕГІ ЖАҢА ШЫЛДЫҚТАР ҚҰҚЫҚТЫҚ ИНТЕГРАЦИЯНЫҢ ҚОЗҒАУШЫ КҮШІ РЕТІНДЕ**

**Аннотация.** Заманауи жағдайлардағы Қазақстандық Республикасының қазіргі жасаған қоғамның дамуы саяси, шаруашылық, мәдени өмірді интернационализациялау мен тікелей байланыстылығын көрсетті, оған себебі болған XX- ғасырдың соңымен ХХІ-ғасырдың басында болған халықаралық байланыстардың интенсивті сипаты деп ой қортамыз, әріне солардың әсерінен әлемде орын алған мәдени, әлеуметтік, экономикалық, халықаралық қатынастар мүлдем басқа сапаға көтеріліп өтті және трансұлттық экономикалық қатынастардың жүйесін мүлдем күрделілендірді, көп аспектілі сипаттандырды. Сол себептерге байланысты әлемдік экономикалық шаруашылық өмірі интернационализациялану, жаһандану және интеграция процесстеріне ұшырап жаңа сипатқа ие болып, көп қырлы, көп аспекті түрде дамыды. Мемлекеттердің халықаралық қатынастарында басымдылық сипатқа халықаралық экономикалық байланыс басымдыққа ие болды. Жаңа экономикалық жағдайларда институционализация процессі белсенділік сипатқа ие болып жаңа экономикалық блоктар, одақтар, мекемелер, әртүрлі дәрежедегі келіс сөздер жүргізіп келісім шарттар жасады. Жаһандану процессі әділетті әлемдік тәртіп қалыптастыруға дәрменсіз екендігін көрсетті, бірақ та, өз басына олар бұрынғы әлемдік тәртіпті бұзған жоқ. Себебі олар бұл құжаттарды тауар өндіру мекемелерінің өз еріктерімен қабылдау негізінде құрылған. Сонымен қатар жаһанданудың өзі көптеген мемлекеттердің тиімді экономикалық жүйе қалыптастыруға, демократиялық қоғам құруға қол жеткізе алмайтындықтарын көрсетті.

**Түйін сөздер:** жаһандану, құқықтық интеграция, халықаралық қатынастар, халықаралық құқық, халықаралық қарым-қатынас, әлемдік шаруашылық, экономикалық байланыстар, интернационализация, әділетті әлемдік тәртіп, экономикалық блоктар.

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**З.К.Аюпова<sup>1</sup>, Д.У. Кусаинов<sup>2</sup>, Уинстон Наган<sup>3</sup>**

<sup>1</sup>КазНАУ, кафедра права, г. Алматы, Республика Казахстан;

<sup>2</sup>КазНПУ им.Абая, общеуниверситетская кафедра политологии  
и социально-философских дисциплин, г. Алматы, Республика Казахстан;

<sup>3</sup>Университет Мичиган, США

### **НОВЕЛЛЫ В ПРАВОВОЙ СИСТЕМЕ КАК ДВИЖУЩАЯ СИЛА ПРАВОВОЙ ИНТЕГРАЦИИ**

**Аннотация.** Развитие казахстанского общества в современный период неизбежно связано с интернационализацией политической, хозяйственной, культурной жизни, результатом которой на рубеже XX-XXI вв. стало интенсивное развитие международных связей, их количественный рост и в итоге - переход в качественно новое состояние, которое характеризуется усложнением системы транснациональных

экономических отношений. В связи с этим ведущими тенденциями развития всемирного хозяйства являются интернационализация, глобализация мирохозяйственной жизни и международная экономическая интеграция. Важнейшим аспектом международного сотрудничества государств в целом становится расширение международных экономических связей. Идет активный процесс институционализации новых экономических реалий, выражающийся в развитии существующих и образовании новых экономических блоков, союзов, организаций, а также в развитии различных уровней международных договоров, заключаемых такими образованиями. Глобализационные процессы показали неспособность формирования справедливого миропорядка, но сами по себе они не усугубляют существующую в мире несправедливость, так как основываются на формально добровольном принятии всеми странами сложившейся системы организации товарного производства. При этом глобализация свидетельствует о неспособности многих государств построить демократическое общество и одновременно обеспечить эффективную экономическую систему.

**Ключевые слова:** глобализация, правовая интеграция, международные отношения, международное право, международное сотрудничество, мировое хозяйство, экономические связи, интернационализация, справедливый миропорядок, экономические блоки.

**Information about authors:**

Ayupova Z.K. - doctor of juridical sciences, professor, chair of law, Kazakh national agrarian university, Kazakhstan, Almaty;

Kussainov D.U. - doctor of philosophy sciences, professor, interuniversity chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Kazakhstan, Almaty;

Winston Nagan - professor of law, University of Michigan, USA, Department of Law, United States of America

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