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POLITTOLOGICAL PROBLEMS OF LEGAL CONSCIOUSNESS

Abstract. The article deals with the political problems of legal consciousness, which have not yet been studied in the socio – political literature of Kazakhstan. The article examines in more detail the questions of the essence and definitions of legal consciousness of the Kazakh population in the context of legal culture, the basic principles of legal consciousness and development, strengthening the legal consciousness of the people as the basis of the legal culture of the population of Kazakhstan. The article notes that in the Kazakh society the state and public organizations are resolutely fighting against any violations of law and order and, above all, crime. Legal consciousness of the population of Kazakhstan in the context of legal culture is the sphere of social, group or individual consciousness of Kazakhstan, a set of their ideas, ideas and views on the existing law, the existing legal, moral and political norms that reflect the attitude of Kazakhstan to the current or desired legal, political reality. Legal consciousness as a basis of legal culture of the population forms and strengthens responsibility, justice, discipline, self-confidence in the citizen of the Republic of Kazakhstan, connected with the ability to navigate in the real world, in the intricacies of socio - political relations and choose the right way of action. At the same time, the article focuses on the discussion issues.

Key words: law, politics, legal consciousness, legal culture, state, society, people, personality, law and order, norm, rules, rights, freedom, morality, justice.

Introduction

Today, both the world and Kazakhstan experience shows that the legal consciousness expressed in the policy of legal culture of society has a specific historical content. The policy of legal culture is a set of political and ideological ideas of society and the state about the development of legal consciousness, legal culture and activities of achieving legal, moral and political indicators that meet these goals.

Practice shows that the content of legal consciousness is determined by the type of socio – political, legal relations and culture in General. Today, scientists are faced with the task of a comprehensive study of new phenomena and processes of legal consciousness, as well as theoretical generalization, which can contribute to the solution of urgent political, social and legal problems. It should be noted that the political science problem of legal consciousness in the CIS, including in Kazakhstan, has not yet found sufficient coverage in the works of scientists, especially political scientists as an independent study.

Today more than 18 million people live and work in Kazakhstan. By the end of the XXI century the population of the country, according to demographers, will reach 50 million people [1]. The legal consciousness of the population of Kazakhstan is the basis of the legal culture of the country. Professor W. Kudaibergenov writes: «The way passed by Kazakhstan for years of independence testifies: the level of legality, reliability of a law and order, competitiveness of social and economic, political, legal system of the country depends in increasing degree on level and quality of legal consciousness, legal outlook, legal culture of the population» [2].

Currently, when the contradictions in the sphere of political and legal relations in the world have reached a dangerous point, the study of political problems of legal consciousness as the basis of legal culture of the population of Kazakhstan is also dictated by the objective need to improve the policy of legal culture and the search for new forms of development of legal consciousness.

In order to understand and assess the problem of legal consciousness of the Kazakh population in the system of legal culture, it is necessary to first consider the essence and definition of legal consciousness.

The essence and definition of the legal consciousness of the Kazakh population in the context of legal culture

Political analysis of the essence of the legal consciousness of the Kazakh population in the context of legal culture, primarily involves the study of the content of the concept of "legal consciousness of Kazakh people" in general.

Legal consciousness in Kazakhstan is a set of views, ideas that Express the attitude of people, social groups, classes to law, politics, morality, legality, justice, their idea of what is lawful or unlawful. The concentrated expression of the legal consciousness of the Kazakh population as a form of public consciousness is the legal ideology – a system of legal views based on certain socio-political and scientific positions. The psychological side of legal consciousness consists of habits, feelings, emotions of Kazakhstan in relation to legal phenomena. The legal consciousness of the Kazakh population includes knowledge of the current law, its basic principles and requirements, but is not limited to it. The evaluative moment and behavioral attitude are also important for legal consciousness.

The legal consciousness of the Kazakh population in the context of legal culture is subject to the general laws of development of public consciousness. It acts as a specific reflection of the economic, political and other relations of the Kazakh population, the position of social groups and individuals in the system of social production and socio-political structure. A significant impact on the legal consciousness of the Kazakh population provide other forms of social consciousness, especially political consciousness and morale, as well as social psychology, historical traditions, current lifestyle etc.

The democratic, legal, social state in Kazakhstan prefers high consciousness of the people. All the features and sides of the legal consciousness of citizens in the system of legal culture are developed in Kazakhstan society: its nature is enriched; the socio-political base is strengthened and developed; its structural elements are increasingly filled with new, moral and political content; the importance of legal consciousness, as well as the entire legal culture and political and legal ideology in.

The Kazakh state and public organizations pay great attention to further strengthening of law and order [3], improvement of political and legal work in the country. One of the main means of strengthening the rule of law we see in the formation and development of each citizen's highly developed legal consciousness and sense of civic duty, to improve the entire system of legal, moral and political education of the population.

It should be emphasized that the legal consciousness of the population of Kazakhstan in the context of legal culture is based on a solid foundation of scientific worldview.

Modern scientific worldview is a system of views and beliefs, ideas about the objective world, developed on the basis of progressive theory and the most important conclusions from the best practices of peoples. This is a system of views, «which has a significant impact on the value orientation and human activity» [4], has the value of the guidelines for both the individual citizen of Kazakhstan and for the Kazakh society.

Scientific worldview and legal consciousness of the population of Kazakhstan are inseparable from true humanism. Kazakhstan humanism in its scientific form is a complex of knowledge and ideas about the meaning of man as a free, creative, political subject of history, its place and role in the practical, material, political, cognitive, artistic and other spheres of activity.

Humanistic ideals, implemented in the practice of Kazakhstan society, become a source of legal ideas and feelings. The content of socio-political and legal processes taking place in the Kazakh society has a pronounced humanistic character.

Legal consciousness in the Kazakh society is characterized by the socio-political unity that is inherent in the entire public consciousness of the people of Kazakhstan as a whole. Under democracy, the political and legal ideology of Kazakhstan gradually becomes the property of all the people, the basis of the legal consciousness of all social groups and layers of Kazakhstan's society.

The scientific consciousness of the dominant system of views and representations of the people gradually transforms into the only, completely dominant in the Kazakh society political and ideological

system. At the same time ideological unity of all people, all social groups and layers of the Kazakhstan society is reached.

This is a revolution in the public consciousness, the reform of the Kazakh society and the support of the whole people. Such a coup is not spontaneous, but is the result of a long, large, purposeful political and ideological work of the Kazakh state and public organizations. In society, there is a further deepening of the processes of rapprochement of social strata and nationalities on the basis of which a new ethno – political and civil community of people-the Kazakh people-was formed.

One of the important problems of strengthening and developing the culture of legal co-knowledge of the population in Kazakhstan society is the correct definition of the relationship of legal consciousness with the remnants of the past and anti-social phenomena in the legal views and beliefs of the population.

Taking all this into account, it should be emphasized that the new way of life of Kazakh people, their morality and scientific worldview are approved in a constant struggle with legal and other remnants of the past and anti-social phenomena, that without it there can be no political and legal ideology and morality. It follows that the fight against the remnants of the past and anti-social phenomena in the minds of people – one of the laws of the construction of democratic and civil society of the important problems of strengthening and developing the culture of legal co-knowledge of the population in Kazakhstan society is the correct definition of the relationship of legal consciousness with the remnants of the past and anti-social phenomena in the legal views and perceptions of the population.

All this is fully applicable to the sphere of legal consciousness, legal culture. Kazakhstan's society has not yet eradicated such remnants of the past as crime and other offenses, sometimes there is a liberal condescending attitude to minor violations of law and order, passivity in the fight against anti-social manifestations.

Today, in Kazakhstan's society, the state and public organizations are resolutely combating any violations of law and order, and above all crime. As a result, professional crime has been eliminated in our country, and the curve of the most dangerous crimes is steadily decreasing. However, not all citizens understand correctly that the line, the policy of our state is aimed not only at the eradication of crime (this is shared by the widest circles of Kazakh people), but also other violations of law and order. Strengthening the rule of law in Kazakhstan society involves a decisive struggle for improving the organization and responsibility of each member of our society at all levels: from ordinary citizens to leaders; in all spheres of life: in the field of management, economic activity, in the field of social and cultural services to the population, in the sphere of public order and Kazakh life. At the same time, it should be said that crime, any form of anti-social behavior – is a social, political evil, it should be fought on a daily basis, to fight firmly and decisively.

Along with the strengthening of the fight against some malicious offenses, the main concern is shown about the prevention of offenses [5], the education of Kazakh people in the spirit of respect for the laws and rules of the Kazakh hostel.

A detailed political analysis of the fight against offenses can be given in a special work. Here it is only necessary to emphasize that the facts of illegal behavior of people in general and crime in particular indicate that in the Kazakh society the socio-legal views of an anti-social nature opposing the Kazakh legal consciousness and its culture have not yet been outlived. These views are quite different in their ideological and psychological foundations, but all of them (although to varying degrees and in different lines) differ from the legal consciousness, legal culture of Kazakhstan, requiring not only the consolidation of the laws of the interests of people and society, building a democratic, legal society, but also unconditional compliance with the laws of the Kazakh state.

It should be emphasized that the role of organizational and educational function of legal consciousness in the context of legal culture at all stages of development of our state and in all spheres of Kazakhstan reality is truly huge. As our modern history has surprisingly proved, Kazakhstan's laws and in general the system of Kazakhstan's law in the transition period to a democratic, legal, social state and civil society are the most effective means of protecting Kazakhstan's gains, the fight against corruption, anti-legal culture and anti-social phenomena, etc.

The political ideas of the people are embodied in the Kazakh legal consciousness. Kazakhstan law itself is a special specific form of state policy of the Republic of Kazakhstan, which meets the fundamental interests of the multi-ethnic, multi-religious people of Kazakhstan. Not the separation of law from politics,

not the opposition of abstract «legal» norms to political requirements, but on the contrary, the implementation of the unity of political and legal provisions of the program of the Kazakh state and public organizations – this is the main thing that is peculiar to the Kazakh legal consciousness and Kazakh law in the context of legal culture.

In this regard, it should be emphasized that Kazakhstan's law is created for the Kazakh people and protects their «human interests. A person is protected from infringement of personal inviolability, freedom, honor and dignity of a person, inviolability of personal life, inviolability of property. These provisions were made a law of life, binding on all members of society. To ensure strict observance of this principle, education and formation of legal consciousness were updated» [6] as the basis of the legal culture of the population of Kazakhstan.

Thus, from all the above it can be concluded that the legal consciousness of the population of Kazakhstan in the context of legal culture – is the sphere of social, group or individual consciousness of Kazakhstan, the totality of their ideas, ideas and views on the current law, the existing legal, moral and political norms that reflect the attitude of Kazakhstan to the current or desired legal, political reality. It does not exist in isolation. The legal consciousness of the population of Kazakhstan is a complex, relatively independent, holistic, active and developing 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 the analysis of its basic principles.

Basic principles of legal consciousness of Kazakhstan society – the core of legal culture of the population

As the scientific analysis of socio-political literature shows, the basic principles of the legal consciousness of the Kazakh society in the system of legal culture have not yet been the subject of independent research in political science. Therefore, on the materials of Kazakhstan political science study of the basic principles of legal consciousness of Kazakhstan society in the system of legal culture is important and relevant not only for Central Asia but also for the CIS.

Describing the content of the legal consciousness of Kazakhstan society as the basis of the legal culture of the population should highlight its basic principles, consider their ideological, socio-political origins, as well as the prospect of enrichment and development of these principles in a democratic, civil society.

First of all, it should be noted that without knowledge of the basic principles of legal consciousness of the Kazakh society in the system of legal culture it would be very difficult to understand and apply the laws of the country. As a rule, «the diversity of legal norms generates a variety of principles» [7].

In the works of a number of Kazakh lawyers there are specific legal principles that characterize the Kazakh law, legal consciousness and legal regulation in general. These specific legal principles usually include the principles of legality, justice, equality, the inextricable link between rights and obligations, the combination of persuasion and coercion, and responsibility for guilt. All this seems to be true: the list of principles of legal consciousness in Kazakhstan should reflect the legal specifics of its content in relation to law and legality, personal rights, etc. However, it is equally legitimate and equally important not to deprive the principles of Kazakhstan's legal consciousness of their socio-political orientation, which consists in their subordination to the interests of people, the tasks of protecting the political system and building civil society. Without this, it is hardly possible to correctly reveal the essence and specifics of the political and legal principles of legal consciousness in Kazakhstan society.

Thus, the legal consciousness of the majority of the Kazakh population is characterized not just by the principle of legality, but by the idea of using the rule of law in the interests of the people, building a democratic civil society, not just equality of citizens, and equality of rights and duties of Kazakh people with the guarantee of their actual use for all citizens, etc. In other words, the legal and political form in which this or that legal, political principle appears should be supplemented by the characteristic of the content reflecting the laws of the democratic and political system, political, economic and socio-cultural foundations of the organization of its life.

It should be said that the political and legal principles in Kazakhstan are the same for all elements of legal regulation, legal consciousness, including the rules of law, legality, legal relations, etc. In the field of legal consciousness, they act as the fundamental ideas of legal regulation of social and political relations;

in the field of law – in the form of the leading norms that have consolidated these ideas; in the field of legal relations and legality – in the form of a certain direction of legal behavior, the foundations of the legal status of subjects, the interdependence of their rights and obligations.

From our point of view, the most interesting and qualified definition of the concept of «legality» in the context of legal culture is formulated by E. K. Aliyarov and Z. K. Ayupova. They write: «the rule of law, i.e. the regime of strict observance and execution by the state, its officials, public organizations, citizens of laws and other normative acts, then becomes one of the decisive principles of the democratic, legal state, when it is turned towards the protection, protection, realization of legitimate rights and interests of the individual in the conditions of democratization of all parties of the socio-political life of the country» [8].

Here we are talking about the principles of legal consciousness of the Kazakh society in the system of legal culture, i.e. the fundamental legal ideas of the people, which expressed his idea of the tasks, content and forms of legal regulation in Kazakhstan, the ways and means of implementation of legal norms, laws of the Kazakh state.

If we talk about the principles of legal consciousness in Kazakhstan, expressing a special place of legal regulation in the life of Kazakh society, such leading ideas are the two main general requirements in the system of legal culture:

- improvement of legislation and the legal system as a whole in accordance with the objective needs of the development of Kazakhstan society and the interests of the population of the masses;
- strict observance by all without exception of laws and all legal, moral and political norms, i.e. carrying out in life of the Kazakhstan legality and fair policy.

These two principles act as the main ideas of legal consciousness in Kazakhstan, covering in the most general form all other legal, moral and political requirements of the people.

Therefore, the requirement to implement Kazakhstan's law in the context of legal culture is one of the most common, «general» principles of legal consciousness in the system of legal culture of Kazakhstan society. But another similar requirement, which has the value of a general principle, is the idea of improving legal norms in accordance with the requirements of the development of socio-political relations.

And this generalizing «legal principle» with the political aspect, the content in its essence and the source of legal requirements is not «specifically legal», but connecting the socio-political requirements for the legal form of legislation (its systematization, logical consistency, publicity, clarity and uniformity of terminology and other elements of registration of legal, political acts) and the procedure for the adoption of laws and other legal acts with the requirements of socio-political nature. These last acts express aspiration of the Kazakhstan people and the state to provide the fullest compliance of the law, legal norms in general to level of economic, socio-political and cultural development of society, to requirements of its further movement forward, to interests and will of the multinational, multi-confessional people.

The legal consciousness of the Kazakh society in the system of legal culture is also characterized by the requirements of consistent consolidation of the law and implementation in the process of its application of the principles of genuine humanism and socio-political justice [9]. These general social principles of development of Kazakhstan's society find their direct expression in a variety of institutions and norms of Kazakhstan's law, embodying the principle of legal consciousness in Kazakhstan.

In the legal sphere of Kazakhstan humanism and socio-political justice, of course, receive specific forms. However, it is hardly possible to consider as a special principle of Kazakhstan's legal consciousness the requirement of responsibility for guilt, without mentioning many other important institutions of Kazakhstan's law, protecting justice, humane approach to the responsibility of the individual and the protection of its rights (for example, the educational purposes of punishment, the entire system of procedural guarantees of the interests of the individual in the judicial process, the institutions of Kazakhstan's family and civil law aimed at protecting the interests of children, and much more). Socio-political justice, which is inseparable from humanism, is expressed in the requirements of Kazakhstan's law and legal consciousness on the clear implementation of payment for work, on labor protection in the broadest sense of the word, on the norms of social security and health care, etc.

Consequently, socio-political justice in the context of legal culture is an evaluative concept of moral, legal and political consciousness, one of the main functions of which is the distribution of the social

environment of Kazakhstan between individuals of benefits, responsibilities and measures of responsibility. The content of social and political justice in the Kazakh society in the system of legal culture is the idea of due, due to the historically formed public recognition of the inalienable rights of the citizen of Kazakhstan, the person. The requirements of socio-political justice in Kazakhstan are in accordance with the real significance of different individuals or social groups and their social, political situation, between their rights and obligations, between the act and retribution, work and remuneration, crime and punishment, etc. Socio-political justice in the context of legal culture imposes its substantive features, which is that it covers almost all relations arising in the Kazakh society and the state, its main functions are to analyze and search for various inconsistencies.

The political analysis shows that the legal consciousness of the Kazakh society in the context of legal culture is expressed in the plexus of legal, political knowledge, realistically reflecting the legal, political reality, emotionally useful attitude to legal, political phenomena and legitimate behavior.

Currently, its formation in Kazakhstan is considered the official goal of the reforms carried out in the country. Legal, the civil society of Kazakhstan laid down a new form of interaction of the individual and the state, which, on the one hand, involve close interaction with each other, on the other, the delimitation of spheres of activities, as expressed by the formula: the authority of the government – the sovereignty of the individual.

Legal consciousness as the basis of legal culture of the population forms and strengthens in the citizen of the Republic of Kazakhstan responsibility, fairness, discipline, self-confidence associated with the ability to orientate in the real world, in the intricacies of socio-political relations and choose a legitimate way of action.

Among the principles, according to which the legal consciousness in the Kazakh society is built in the system of legal culture, it is possible to distinguish the principle of unity, consistency and continuity of legal influences, which means the observance of the unity of the effects of administrations, public organizations and all political-law-educational institutions, the coordinated functioning of all subsystems of legal consciousness, the use of all means of political-law-educational process in society.

In order to realize the legal consciousness and its principles in the context of legal culture, serious, effective, multifaceted and long-term work, consistent implementation of the relevant legal policy are necessary [10]. It includes the activities of systematization, consolidation and codification of legislation, and the creation of an accessible automated system of legal information search, and the organization of a unified national system of legal, political education of the population, and a significant increase in the role of the law, etc.

Therefore, we can say that the legal consciousness of the Kazakh society in the system of legal culture is not only the level of development of normative individual legal acts, it is also the level of development of all legal activities, all rights, it is the right-psychological climate, legal, moral and political values, ideals, traditions and customs, and most importantly, it is the real legal position of the individual in a state - organized society, the level of her rights and freedoms, behavior guaranteed by the state. Today it is important that the solution of urgent political problems of legal consciousness of the population as the basis of legal culture as a whole contributed to the effectiveness of the legal impact on the consciousness of the citizen of Kazakhstan.

As the political analysis shows, the results of the legal impact on the consciousness of the citizen of Kazakhstan can be characterized by quantitative and qualitative indicators, objective and subjective characteristics.

Thus, the principle of efficiency of legal influence on consciousness of the Kazakhstan citizen - one of the basic principles of legal consciousness of the Kazakhstan society in system of legal culture. At the same time, the effectiveness of the legal impact on the consciousness of the citizen of Kazakhstan is the degree of achievement of the goals with the optimal use of the available opportunities in the allotted time and with minimal intellectual and material costs.

Summing up, we can conclude that the basic principles of legal consciousness of Kazakhstan society – is the core of the legal culture of the population of the Republic of Kazakhstan, which are complex and unexplored issues of political research. The basic principles of the legal consciousness of the Kazakh society in the system of legal culture reflect in their contents the actual existing legal, moral and political

rules and norms governing the behavior of Kazakhstan people. This, in turn, will affect the state, development and strengthening of legal consciousness of people in the context of legal culture.

Development and strengthening of legal consciousness – signs of maturity of legal culture of the population of Kazakhstan

The state, development and strengthening of the legal consciousness of Kazakhstan people is one of the important, complex and topical issues of political science. In this regard, it should be said that the development and strengthening of the legal consciousness of Kazakh people, the construct of which is based on the legal, moral and political Foundation, were not considered in political studies. Therefore, we would like to consider some political aspects of the development and strengthening of legal consciousness as signs of maturity of the legal culture of the population of Kazakhstan.

Legal consciousness as the basis of the legal culture of Kazakhstan people – an ideal phenomenon, directly unobservable, which is a sphere and area of national and Kazakh national consciousness, reflecting the legal, political reality in the form of legal knowledge and evaluative relations to the law and practice of its implementation, social and legal attitudes and value orientations that regulate the behavior of Kazakhstan people in legally, politically significant situations. The current law has an impact on the legal consciousness of the population and the formation of representations of members of Kazakhstan society about this right, about their rights and obligations. Conversely, the legal consciousness of the population affects the existing law, determines the practice of law enforcement in the interests of a certain stratum of Kazakh society, which has the ability to influence the political process in the state, as well as determines the normative activity in the state. The specificity of the right consciousness of our population is that it requires the establishment of generally binding norms of behavior. Therefore, legal consciousness is determined by the boundaries of legal and illegal, lawful and illegal. Legal consciousness has an impact on the behavior of Kazakhstan people together with the rules of law, along with them, and sometimes in spite of them.

Political analysis shows that the development and strengthening of the legal consciousness of our population in the context of legal culture contributes to the effectiveness of the political mechanism of legal influence on social and political relations in Kazakhstan. The awareness of every citizen of his obligations to society in the form of compliance with generally accepted rules and norms of behavior is the key to the development and strengthening of Kazakhstan's society a high level of legal consciousness in the context of legal culture. The foundations of the legal consciousness of the Kazakh population, the foundation for the formation of the personality of the Kazakhstani should be laid in childhood, as the basic principles of law are related to the moral categories of good and evil, honesty and justice, etc.

Speaking about the problems of development and strengthening of the legal consciousness of Kazakhstan people as signs of maturity of the legal culture of the population, it is also necessary to mention the socio-political and legal activity. The usual content of this term is the highest level of lawful behavior of the individual of Kazakhstan, which characterizes its intense, proactive activities for the effective and fullest implementation and protection of rights, freedoms and duties. That is, in this sense, lawful behavior is the highest degree of activity. Undoubtedly, the legal personality of Kazakhstan is characterized by a high level of legal, social and political activity. Therefore, the activity of Kazakhstan's people and their rights are the highest value.

In this regard, it should be said that one of the political problems to be solved by Kazakhstan at the stage of building a democratic, rule-of-law state is the formation and development of the legal personality of the citizen of Kazakhstan [11]. Legal personality is characterized by the degree of legitimacy and activity of his behavior. Conscious implementation of legal regulations, active protection of both their rights and the rights of others, active participation in law-making activities of state bodies, participation in law-political and educational activities that determine the content of the legal personality of Kazakhstan and ensure the stability of a democratic, rule-of-law state in Kazakhstan.

The most important component of the culture of legal consciousness of the Kazakh population is the ability to implement legal, political knowledge and beliefs in lawful, socially active behavior. The peculiarity of the legal consciousness of Kazakh people is that it is closely related to economic relations. The latter, refracted through legal relations, have an impact on the development of legal consciousness and activity. Therefore, in its content the economic interests and needs of our people are expressed most

succinctly and concentrated. On the basis of the reflected needs and interests in the sphere of legal ideology, political goals and objectives implemented in the practice of legal organizations and institutions are formed and strengthened.

Legal consciousness of Kazakhstan people is a consciousness that reflects legal relations in the system of legal knowledge and public consciousness. Establishing the boundaries of legal, illegal, forming legal orientation, norms that regulate the behavior of the citizen of Kazakhstan in legally, politically significant situations, legal consciousness has an impact on the formation, strengthening the goals and objectives of the socio-political entity and the means to achieve these goals and objectives. In modern conditions of Kazakhstan law has become one of the factors of organization and management of socio-political and national development. At the same time, it is an expression of the state will, state policy, the interests of the individual of Kazakhstan. In this case, the subject is aware not only of the legal phenomena themselves, their properties and relationships, but also «the importance for themselves, society» [12].

The ongoing reform in the country requires the legal provision of radical economic, political reform and democratization of society, the rule of Law – respect for human rights, freedoms and dignity. The old legal system and the principles of relations in law enforcement agencies still pull us back. That is why we need strict consistency in legal reform, in the reorganization of the system of law enforcement, legal education and legal education of the population, the creation of the rule of law. This requires new reforms in the field of legal activity and restructuring in the field of legal thinking of the Kazakh population and officials and in the field of legal texts, it is necessary in General and complete "alteration" of the subject of legal consciousness. At the same time, as N. B. Seisen notes, «it is necessary to recognize the imperfection of some legal norms and laws» [13].

In this regard, it should be noted that the legal consciousness actively contributes to the establishment of high moral and political qualities of Kazakh people, improve their organization and discipline, strengthen the sense of civic duty, respect for the laws and rules of Kazakhstan's society.

Today, measures to develop and strengthen the legal consciousness and improve the legal culture of the population of Kazakhstan have become the subject of great attention of state bodies and public organizations. Legal advocacy has become an important activity of the Ministry of justice and its local authorities. Special groups have also been set up in the Prosecutor's office and internal Affairs bodies to organize legal propaganda. There are coordination and methodological councils for legal advocacy in the center and in the field.

All this contributed to the fact that the number of lectures on legal issues has significantly increased, the network of legal knowledge has increased. There are new forms of development of legal consciousness of the population in the system of legal culture – public legal advice, lectures of legal knowledge, joint performances of employees of different departments to the public, etc.

Wider and more diverse was the promotion of issues of Kazakhstan's law in the press, on radio and television. Systematic legal education in schools and secondary special and higher educational institutions of Kazakhstan is being introduced.

One of the important areas of development and improvement of the legal consciousness of the Kazakh population in the system of legal culture is the expansion and improvement of legal, political education of employees of state bodies, public organizations and economic assets [14].

Our state's task is not just to expand, but to improve the formation and development of legal consciousness of the population in the context of legal culture, to raise its level to the requirements of the modern stage of development of Kazakhstan's society.

The achievement of success in the formation, development and strengthening of legal consciousness of the population at the crossroads of legal culture is associated with the need to raise the organizational level of all political, legal, educational work of Kazakhstan.

One of the necessary prerequisites for the successful implementation of the policy of legal culture of the Republic of Kazakhstan to further strengthen the rule of law is the search for new forms, methods and means of development of legal consciousness of Kazakhstan, clear coordination and planning of all work on legal education of the population.

In order to implement the culture of legal consciousness of the Kazakh population, serious, multifaceted and long-term work, consistent implementation of the relevant legal policy of the Republic of Kazakhstan and the organization of a unified national system of political, legal education of the

population, and a significant increase in the role of the law are necessary. In this regard, it is gratifying to note that the Pavlodar region has developed a program of legal education of the population. For example, the programme provides for legal training in the schools of veterans of the internal affairs service, the prosecutor's office, the courts and justice, the installation of telephones in all departments, committees and offices for public consultation, the introduction of special sections in the media explaining the provisions of the current legislation, and a number of other activities. This experience, in our opinion, should be extended to the whole Republic. This will increase the culture of legal consciousness and legal culture of the Kazakh population in modern market conditions, will strengthen the rule of law and the rule of law in Kazakhstan, as well as increase the role of the law in general. In the latter case, we mean, in particular, overcoming the traditions of our «legal culture», which consists in the fact that usually the adoption of a law, an act of supreme legal force does not contribute to the emergence of the legal relations provided for by it. The law enforcement officer and law enforcement officers wait until the provisions of the law are set out in acts of lesser legal force – in the resolutions of the Government of the Republic of Kazakhstan, in the acts of ministries, departments, etc. In such conditions, knowledge of the law has no incentives, it may not always be useful, or even unnecessary. To change the situation, it is necessary to restructure the legal regulation and legal thinking of Kazakh people: to move from the principle of authorization to the «general permissive», to create new social and legal institutions of legal assistance to citizens and protection of their rights and freedoms, to promote the role and overall protection of the individual in the legal, political system. For this purpose it is necessary to present to the citizen the right in interpretation of the law equal with various departments, including with the Central, other bodies of branch management. This right, of course, does not apply to safety, health and safety instructions and similar rules and regulations whose interpretation is in accordance with the law. In case of a dispute, it will be decided by the court acting as a constitutional Council, deciding the question of compliance of by-laws with the law, the Constitution of the Republic of Kazakhstan.

Thus, from all the above it can be concluded that the development and strengthening of the legal consciousness of Kazakh people is a sign of maturity of the legal culture of the citizen. At the same time, we note that the task of developing and strengthening the legal consciousness of Kazakhstan in the system of legal culture is a complex matter that requires a scientific and integrated approach. To develop and strengthen the legal consciousness of the population of Kazakhstan, it is necessary to use all kinds of political technologies and political and legal work, take into account their specifics and constantly improve in daily work.

Conclusion

Legal consciousness is the core, the basis of legal culture of the population of Kazakhstan. It is a complex, multidimensional and not yet studied object of political science research. The recognition of legal consciousness as an integral part of the spiritual life of society and its importance for the improvement of legal culture implies the need for further in-depth study of its structure, social, political content and role in Kazakhstan's society.

For approval in the minds of the Kazakh masses of the specific requirements of legal consciousness in the context of legal culture requires some time and achieving the strength of socio – political relations. The democratic, legal, social state in Kazakhstan assumes high consciousness of the people. All aspects of the legal consciousness of citizens are being developed in Kazakhstan society: its qualities and nature are being enriched; the social and cultural base is being strengthened; structural elements become more crowded with the new, moral – political, all-Kazakh human content; increases the value of legal consciousness, and legal culture and the political – legal ideology in our society.

The main determinant of socio – political, the basic principle of the legal consciousness of Kazakh society in the system of legal culture should be regarded as the idea of the legal consolidation of political and socio – economic institutions, rights and obligations, expresses the fundamental interests of the masses of the population. At the same time, the harmony of the subject and the object of legal consciousness in the Kazakh society is provided by: the constant development of the object of legal consciousness; the constant study of the object to be affected; constant self-improvement of educators to the subject and the object of legal consciousness supported by the «potential difference» of the mind, erudition, culture, feelings, without it is impossible, in principle, the authoritative impact of one person on

another, and even more political and ideological asset, which has a primary role in the formation of a culture of legal consciousness of the population. It should be said that the broad participation of Kazakhstan in the management, in the development of the foundations of a new life should be combined with a strong work discipline, strict compliance with the laws and other orders of the Kazakh authorities by all citizens and officials without exception.

The humanistic, harmonic charge in Kazakhstan which carries legal consciousness, its all-Kazakhstan, universal orientation puts on a priority place in scientific problems a problem of culture of legal consciousness, the rights and freedom of the person which are bases of legal culture of the Kazakhstan population. At the same time, the most important condition for the formation and development of the legal culture of Kazakhstan in modern society is the possession of a certain level of political, moral and legal consciousness. Legal consciousness is the result of the implementation of scientific state policy, the achievement of Kazakhstan's law and legal culture of multi-ethnic, multi-religious Kazakhstan.

Ғ.Р. Әбсаттаров

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

ҚҰҚЫҚТЫҚ САНАНЫҢ САЯСИ ПРОБЛЕМАЛАРЫ

Аннотация. Мақалада әлеуметтік-саяси әдебиетте әлі зерттелмеген құқықтық сананың саяси мәселелері Қазақстан материалдарында қарастырылады. Мақалада құқықтық мәдениет контекстінде Қазақстан халқының құқықтық санасының мәні мен анықталуы, құқықтық сананың негізгі принциптері мен дамуы, Қазақстан халқының құқықтық мәдениетінің негізі ретінде адамдардың құқықтық санасын нығайту мәселелері егжей-тегжейлі зерттеледі. Мақалада Қазақстан қоғамында мемлекет пен қоғамдық ұйымдар құқықтық тәртіп пен заңдылықтың кез келген бұзушылықтарымен, ең алдымен қылмыстылықпен күрес жүргізетіні атап көрсетілген. Қазақстан халқының құқықтық мәдениет контекстінде құқықтық санасы -бұл қазақстандықтардың қоғамдық, топтық немесе жеке санасының аясы, олардың идеяларының, қолданыстағы құқыққа, қазіргі құқықтық, адамгершілік – саяси нормаларға көзқарастарының жиынтығы, Қазақстандықтардың қолданыстағы немесе қалаған құқықтық, саяси шындыққа қатынасын көрсетеді. Құқықтық сана халықтың құқықтық мәдениетінің негізі ретінде Қазақстан Республикасының азаматыда жауапкершілікті, әділдікті, тәртіптілікті, реалды әлемде, қоғамдық - саяси қатынастардың қилы көріністерінде бағдарлануға және іс-әрекеттің заңды тәсілін таңдауға байланысты өзіне деген сенімділікті қалыптастырады және нығайтады. Сонымен қатар, мақалада пікірталас мәселелеріне де назар аударылған.

Түйін сөздер: құқық, саясат, құқықтық сана, құқықтық мәдениет, мемлекет, қоғам, халық, тұлға, заң, құқықтық тәртіп, шама, ереже, құқ, бостандық, адамгершілік, әділдік.

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ПОЛИТОЛОГИЧЕСКИЕ ПРОБЛЕМЫ ПРАВОВОГО СОЗНАНИЯ

Аннотация. В статье на материалах Казахстана рассматриваются политологические проблемы правового сознания, которые еще не изучены в социально – политической литературе. В статье более подробно исследуются вопросы сущности и определения правового сознания казахстанского населения в контексте правовой культуры, основные принципы правового сознания и развитие, укрепление правового сознания людей как основы правовой культуры населения Казахстана. В статье отмечается, что в казахстанском обществе государство и общественные организации ведут решительную борьбу с любыми нарушениями правопорядка и законности, и прежде всего с преступностью. Правовое сознание населения Казахстана в контексте правовой культуры – это сфера общественного, группового или индивидуального сознания казахстанцев, совокупность их идей, представлений и взглядов на действующие право, на существующие правовые, нравственно – политические нормы, отражающих отношение казахстанцев к действующей или желаемой правовой, политической действительности. Правовое сознание как основа

правовой культуры населения формирует и укрепляет в гражданине Республики Казахстан ответственность, справедливость, дисциплинированность, уверенность в себе, связанную умением ориентироваться в реальном мире, в хитросплетениях общественно - политических отношений и выбрать правомерный способ действия. Вместе с тем, в статье уделено внимание и дискуссионным вопросам.

Ключевые слова: право, политика, правовое сознание, правовая культура, государство, общество, народ, личность, закон, правопорядок, норма, правила, права, свобода, нравственность, справедливость.

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REFERENCES

- [1] Absattarov R. B., Men D. V., Mukazhanova A. ZH. Kul'tura mezhnacional'nogo obshcheniya: kazhstanskij opyt. Almaty: Ylarat, 2012. S. 201.
- [2] Kudajbergenov U. Problema pravosoznaniya obshchestva // Mysl'. 2017, №1. S. 62.
- [3] Konstituciya Respubliki Kazahstan. Almaty, YUrist, 2017. S. 4-12, 30-33.
- [4] Filosofskij slovar'. Kiev: A. S. K, 2006. S. 562.
- [5] Eskendirov A. A. Protipravnoe povedenie nesovershennoletnih: prichiny i usloviya ego formirovaniya // Nauchnye trudy Akademii MVD Respubliki Kazahstan. 2010, №4. S. 41,43.
- [6] Smagulova A. S. Kazahskoe obychnoe pravo: voprosy zashchity chesti i dostoinstva // Problemy sovremennoj nauki i obrazovaniya. 2016, №3. S. 135.
- [7] Smagulova A. S. Kazahskoe obychnoe pravo: principy i ih rol' v regulirovanii otnoshenij v obshchestve // Problemy sovremennoj nauki i obrazovaniya. 2016, №3. S. 139.
- [8] 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. 156.
- [9] Absattarov G. R. Pravo. Politika. Soznanie. Almaty: Fylym, 2016. S. 190-191.
- [10] Sozialphilosophische politische und rechtliche aspekte der modernisierung Kasa-chstans. Verlin: Verlag Dr. Köster, 2012. S. 135-136.
- [11] 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.
- [12] Spirkin A. B. Soznanie i samosoznanie. Moskva, 1972. S. 111.
- [13] Sejsen N. B. Tolerantnost' v Kazahstane: politologicheskie aspekty // Problemy sovremennoj nauki i obrazovaniya. 2019, №3. S. 226.
- [14] Koncepciya pravovoj politiki Respubliki Kazahstan na period s 2010 do 2020 goda // Kazhstanskaya pravda. 2009, 27 avgusta.
- [15] Kassymova G.K., Tokar O.V., Tashcheva A.I., Slepukhina G.V., Gridneva S.V., Bazhenova N. G., Shpakovskaya E.Yu., Arpentieva M. R. Impact of stress on creative human resources and psychological counseling in crises. International journal of education and information technologies. Volume 13, 2019. Pp.: 26-32.
- [16] Stepanova G.A., Tashcheva A. I., Stepanova O. P., Menshikov P. V., Kassymova G. K., Arpentieva M. R., Tokar O. V. The problem of management and implementation of innovative models of network interaction in inclusive education of persons with disabilities. International journal of education and information technologies. ISSN 2074-1316. Volume 12, 2018. P. 156-162.
- [17] Kassymova G. K., Stepanova G. A., Stepanova O. P., Menshikov P.V., Arpentieva M.R., Merezchnikov A. P., Kunakovskaya L. A. Self-development management in educational globalization. International journal of education and information technologies. ISSN 2074-1316. Volume 12, 2018. P. 171-176.
- [18] Stepanova O. P., Gridneva S. V., Menshikov P. V., Kassymova G. K., Tokar O. V., Merezchnikov A. P., Arpentieva M. R. Value-motivational sphere and prospects of the deviant behavior. . International journal of education and information technologies. ISSN 2074-1316. Volume 12, 2018. P. 142-148.
- [19] Kassymova K. G., Tyumaseva Z. I., Valeeva G. V., Lavrinenko S. V., Arpentieva M. R., Kenzhaliyev B. K., Kosherbayeva A. N., Kosov A. V., Duvalina O.N., Dossayeva S. K. Integrative model of student and teacher stress coping: the correction of relations in educational, professional and personal interaction. Bulletin of National Academy of Sciences of the Republic of Kazakhstan. ISSN 1991-3494. Volume 3, Number 379 (2019), p. 169-179. <https://doi.org/10.32014/2019.2518-1467.83>
- [20] Kassymova G. K., Kosherbayeva A. N., Sangilbayev O. S., Schachl H., Cox, N. (2018). Stress management techniques for students. Proceedings of the International Conference on the Theory and Practice of Personality Formation in Modern Society (ICTPPFMS 2018). <https://doi.org/10.2991/ictppfms-18.2018.10>
- [21] Arpentieva M. R., Kassymova G. K., Lavrinenko S. V., Tyumaseva Z. I., Valeeva G. V., Kenzhaliyev O. B., Triyono M. B., Duvalina O. N., Kosov A. V., Dossayeva S. K. Environmental education in the system of global and additional education. Bulletin of National Academy of Sciences of the Republic of Kazakhstan. ISSN 1991-3494. Volume 3, Number 379 (2019), p. 158 – 168. <https://doi.org/10.32014/2019.2518-1467.82>