

**G. R. Absattarov**

Kazakh Ablai khan University of International Relations and World Languages, Almaty, Kazakhstan

## **SYSTEM-POLITICAL CHARACTERISTICS OF LEGAL CULTURE**

**Abstract.** The article based on the materials of Kazakhstan examines the system and political characteristics of legal culture that have not been studied in political science yet. The paper also regards in more detail the politological aspects of the essence, concept, and definition of Kazakhstani legal culture.

Based on the studies, it was concluded that the legal culture of Kazakhstan as a complex systemic formation is a combination of material and spiritual achievements in the legal, political life of Kazakhstani society. Thus, the level of legal culture of Kazakhstan reflects the degree of maturity of the Kazakh citizen's civilization, his way of thinking and behavior standards. At the same time, it acts as a meaning-bearing and meaning-determining aspect of Kazakhstani human practice and its results in the legal, political life of society. Legal culture is a political phenomenon, a certain nature and level of activity of an individual, during which he/she gains or develops his/her legal, moral and political knowledge, skills. At the same time, the article focuses on issue discussion.

**Key words:** system, politics, law, culture, society, state, characteristic, essence, notion, definition, justice, humanism, personality, consciousness, law and order.

As a scientific review of socio-political literature shows, the system - political characteristic of legal culture has not yet been the subject of research in political science. Therefore, based on concrete materials of Kazakhstan, a political science study of the concept and definition of legal culture has both theoretical and practical significance.

The politological analysis of Kazakhstan's legal culture is based on a philosophical methodology, which includes general scientific methods, specific scientific methods, general methodological principles of sociology, political science, law, etc.

Proceeding from the objectives facing our study, in Kazakhstani legal culture, its concept, its deep foundation, and hence its socio-economic, political content, etc. should be revealed.

Changes in the socio-political, legal life of Kazakhstan cannot leave indifferent citizens, their consciousness, thoughts, feelings, emotions. From a psychological point of view, an adaptation of a Kazakhstani to new conditions is often a painful and complicated process.

The socio-political and legal life of Kazakhstan is impossible without the institutionalization of the relationship between people. In any sphere of activity of Kazakhstani society, a clear organization of relations between individuals is objectively necessary, which is achieved by developing appropriate regulations of behavior and means to secure order.

The study of the socio-political system of Kazakhstan, the norms, rules of conduct, requirements, ideals in it allows us to determine the essence of regulatory prescriptions, to identify their unity or inconsistency depending on the tasks solved by Kazakhstani society, their focus under the urgent needs and interests of the nation. The system for regulating the behavior of Kazakhstanis includes public consciousness in all its forms - political, legal, moral, aesthetic, philosophical, religious, relevant norms and certain ways of regulating them.

In the entire Kazakhstan system of socio - political regulation, a special place is occupied by legal regulation [1]. Being one of the forms of socio-political regulation, it is of particular importance in the process of regulation, organizing the behavior of Kazakhstani people. In this regard, it should be noted that the legal regulation in Kazakhstan is organically linked with other forms of regulation of public relations - political, moral, aesthetic, etc. The interconnection of these forms is based on their interaction, mutual complementation, acting as part of a unified holistic system of socio-political regulation of

behavior of Kazakhstanis. This interaction is one of the essential conditions for increasing the efficiency of the entire Kazakhstan system.

Legal regulation in Kazakhstan includes all types of impact of legal norms, first of all, on the consciousness and, ultimately, on the behavior of citizens as a prerequisite for securing coordinated interests in Kazakhstani society [2].

It should be mentioned that clear, effective functioning of the entire Kazakhstan system of legal regulation is directly dependent on the level, status of the legal culture of the Kazakhstani individual, the social layers of the whole Kazakhstan society. Each of the elements of the legal culture in Kazakhstan acts as a subsystem of the general Kazakhstan system. So, the general dynamic Kazakhstani system of legal culture functions, all the elements of which act in a functional unity.

In this regard, we will determine the boundaries of the legal culture of Kazakhstan based on the understanding of Kazakhstan culture in general.

In the social and humanitarian literature of Kazakhstan, there are a large number of interpretations of the notion "Kazakhstan culture", which has been used in scientific everyday life since the end of the 20th century. During this time, various approaches to understanding the essence of Kazakhstan culture (multinational culture) have accumulated in the social and humanitarian scientific literature.

Among the various definitions of Kazakhstan culture, noteworthy are, first of all, those that reflect the connection between the transformation of the world by people, the formation and development of Kazakhstani people themselves, and the more complete realization of their generic nature, i.e. humanistic accent. In this conceptual connection, not a Kazakhstani person is a means of Kazakhstani culture, but the Kazakhstan culture itself, containing and creating the meaning-forming bases of its life, initially finds in Kazakhstani human, his formation and development, his progressive "humanization, enculturation" his goal. At the same time, it "stores and transfers from generation to generation and generates programs of activity, behavior, and communication of people" [3].

Kazakhstani culture is a kind of synthesis of the diverse processes, forms and results of life-sustaining activity of Kazakhstani people and Kazakhstani society, which provide themselves with multinational, multiconfessional cultural phenomena only in a strictly defined specific and diverse sense. Therefore, the essence of this relationship is recorded in the impact that is exerted by the "processes", "forms" and "results" on the improvement of the essence of Kazakhstani people. At the same time, it is no coincidence that the idea of Kazakhstan's cultural progress is associated with the preservation and cultivation of everything that helps Kazakhstani people to freely and independently put their life forces in improving the conditions and processes of their life in those ways that, changing the environment, make it more "humane, humanistic, civilized", more adapted and secure for the Kazakhstan community life. Therefore, since the activity of a Kazakhstani person is impossible without the establishment of standards, norms, stereotypes of behavior that organize his activities, these norms, standards, stereotypes are organically included in the content of multinational Kazakhstani culture. This approach allows us to more fully reveal the sociocultural and political meaning of norms and values, their role in the development of cultural and political processes, the inconsistency of norms related to the various stages of cultural development of a multiethnic, multiconfessional Kazakhstani society, the continuity of norms, values, and traditions as ways of the historical and political process of formation and the development of multinational Kazakhstani culture. Moreover, the culture of modern Kazakhstan is "a culture of moderation, a culture of prosperity, not a luxury, it is a culture of rationality" [4].

Kazakhstani culture is generated and developed within regulatory boundaries in the socio-political space. At new stages of development, new standards arise that meet the achieved level of needs and interests of Kazakhstani society. It should be noted that the normative characteristic is one of the important political aspects of Kazakhstani culture. The values and norms in the political process give the most complete picture of the essence of the multinational culture of Kazakhstani society, the position of the Kazakhstani person in it, the boundaries and forms of its activity, a qualitative assessment of the freedom of the Kazakhstani personality, his/her capacities of cultural creativity, etc.

It should be emphasized that the socio-cultural and economic-political progress of Kazakhstani society is at the same time progress of its regulatory norms. The development of the regulatory structures of a particular Kazakhstani society well-defined characterizes the development of such an integral part of the Kazakhstani culture as the legal culture of Kazakhstani people and finds itself in Kazakhstani law. It

concentrates all the most important socio-political principles and norms, which at different times gave this institution a peculiar coloring following the economic system, political order, and culture of Kazakhstani society.

In such a way, legal relations in Kazakhstan are a certain expression of Kazakhstani culture at a particular historical and political stage of development. The level of legal culture of Kazakhstani people is determined, first of all, by the achieved level of material and spiritual culture of Kazakhstan. In the process of the positive realization of freedom by a Kazakhstani person, each of his actions, including in the legal sphere, acquires significance only in a specific axiological aspect, only concerning the existing historical and political givenness. The legal culture of the population of Kazakhstan as an important component not only of the culture of Kazakhstan, but also of humanity actualizes those layers of the accumulated valuable, moral and political experience that are most consonant with its initial axiological attitudes, emerging based on relevant socio-economic and socio-political factors.

We note that the place of Kazakhstani law in the system of socio-political values is due to how it is considered as a value - means or value - a goal. From this point of view, as practice shows, it can be a derivative value and can have its value. Moreover, Kazakhstani law, the legal civilization of Kazakhstan is an integral component of Kazakhstani human culture, its important achievement. Therefore, it has its value. So, the change of formations, changes in the socio-political structure of Kazakhstani society, its ideology and psychology, political struggle - all this objectively determines the qualitative changes in the content of Kazakhstani law, its institutions and norms. As Asian and world experience shows, reactionary state power through legislation and other legal measures may try to slow down the course of social and political development. However, historically the framework for law action, which impedes the evolution of a given society and the political process, or, conversely, tries to step through the necessary stages, phases of development, as a rule, are of short duration and short-sighted.

We emphasize that acting as an important and necessary means of public administration, as a form of implementation of public policy, Kazakhstani law is at the same time an important indicator of a person's position in Kazakhstani society, the guarantee of his rights, freedoms, a means, a tool for their protection and implementation. The rights, freedoms, and responsibilities of a Kazakhstan citizen, which constitute the legal status of a person, are an important component of Kazakhstani law, which is very significant for assessing the development and democracy of a given legal system and for determining a legal person [5]. Kazakhstani law in its true sense considers a human, his good as a goal, and not as a means of functioning of Kazakhstani society.

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

Here it should be noted that the legal culture of Kazakhstan acts as a political phenomenon that has a clearly defined target orientation, encompassing the totality of the most important value components of legal, socio-political reality in its functioning, genesis. It refers to the system of pan-Kazakhstan, universal values. This is an integral component of the Kazakhstani democratic society, the subordination of the rule-of-law state to civil society, guaranteeing the rights and freedoms of every Kazakhstani person. Finally, the legal culture of Kazakhstan is a combination of all the components of the country's legal system in their actual functioning in favour of the progressive development of the country's socio-political reality.

It should be pointed out that the legal culture of Kazakhstan as a socio-political phenomenon in the collection of its structural elements is more ambitious than Kazakhstani law. It is determined by the whole variety of socio-political, cultural and economic life of Kazakhstan people. The legal culture of Kazakhstan reflects not only socio-economic relations and material conditions of public life, but also the historical, cultural, religious, moral principles of socio-political activity and behavior of Kazakhstani people in a particular society at a certain stage of its development. The abstract legal culture in Kazakhstan does not exist, just as there are no abstract Kazakhstani law, no abstract Kazakhstan legal consciousness

and no abstract Kazakhstan legal activity of subjects of legal, moral and political relations in the country. We are talking here about the legal culture of a specific Kazakhstani society, a certain Kazakhstani society of specific historical, political layers of its development. Along with this, the lessons of the passed stages of Kazakhstan, as E.K. Aliyarov and Z.K. Ayupova correctly note, “can have a great impact on the correct understanding of the future path of our state” [6].

In this regard, it should be noted that at present in the scientific literature of Kazakhstan and the CIS, there are about 260 definitions of legal culture, considering it as a historical, legal, social and philosophical phenomenon. At the same time, it should be considered, in our opinion, also as a political phenomenon.

Indeed, understanding the numerous, sometimes contradictory definitions of legal culture in the socio-political space is also very difficult due to the lack of a common understanding of culture as a more general category in social and humanitarian science.

The scientific and political science study of the legal culture in Kazakhstan in its constant dynamics, change, and development in specific historical, political conditions and circumstances, through the prism of historical continuity, should be carried out by the principle of historicism. At the same time, as is known, the historical is closely connected with the logic. Being socio - philosophical categories, the historical and the logical reveal important features of the development process, as well as the relationship between the logical development of thought and the real history of the subject, e.g., the legal culture of Kazakhstan. The historical expresses the structural and functional processes of the emergence and formation of the legal culture of Kazakhstan in the socio-political space. The logical expresses those correlations, laws, relationships, and interactions of its constituent elements that exist in the developed state of the object, etc. in the political process.

Therefore, to determine which of the contexts in the understanding of the legal culture of Kazakhstan is preferred, in our opinion, it is necessary to determine how the Kazakhstani legal culture relates to the legal system of Kazakhstan society.

First of all, in the scientific literature of Eurasia, there are a variety of opinions about the place of legal culture in the legal system of society [7]. Sometimes it is considered as an element of one of the subsystems of the legal system. For example, in particular, some researchers identify legal culture with legal consciousness, offering to understand it as a complex of representations of one or another community of people about law, its implementation, about the activities of government bodies, officials, and other researchers include it in the content of legal ideology. Recently, in the scientific literature of Eurasia, legal culture is increasingly being defined extremely broadly, including law, legal relations, legal awareness, legality, etc. and identifying it, thereby, with the entire legal system.

Sometimes the legal system is separated from the legal culture on the basis that the concepts denoting these phenomena belong supposedly to two different theoretical levels - philosophical and concrete sociological, respectively. It is thought that such concepts as the legal system, legal culture, the state, the law, etc., can be studied at both the first and second levels; the transition from the first to the second level of scientific analysis and vice versa does not at all require the replacement of one concept with another if one and the same phenomenon is investigated.

We emphasize that the legal culture of Kazakhstan, given the foregoing, cannot be recognized as an element of one of the subsystems, e.g., an element of legal consciousness, part of legal education, etc. Herewith, the identification of the Kazakhstani legal culture with the legal system is also unacceptable.

In this regard, the following issue arises that needs to be resolved - is it possible to consider Kazakhstani legal culture as an independent element of the legal system of Kazakhstan, since such an approach to solving the question of their relationship also takes place in the scientific literature. For example, many scholars have called legal culture as an element of the legal system.

Kazakhstani legal culture is not just a part or area of the legal system of Kazakhstan, but how its qualitative characteristics is inherent in all areas of the legal, moral and political life of Kazakhstani society, permeates these spheres and is a well-known atmosphere (for example, of legality, legal, political freedom, socio-political justice, respect for the law, for the right) of the life of this society. Therefore, a different understanding of Kazakhstani legal culture as a phenomenon entails the origination of different approaches to understanding its structural components, etc.

Despite the different approaches, various researchers most often call: knowledge of law; attitude to law; legal skills as the mandatory components of the legal culture of Kazakhstan. In this regard, it is necessary to note the following two main points: the first - the legal culture of Kazakhstan cannot be identified with either the legal system of Kazakhstani society or its individual element (an element of one of the subsystems of the legal system of Kazakhstan). It is a concept that allows you to describe the quality state of the legal system and its components. However, the legal culture of Kazakhstan cannot be considered as a level characteristics that reflects the degree of development of one legal system in comparison with others, it allows us to compare legal systems precisely in terms of generality and differences in their properties. The second point, structurally, the legal culture of Kazakhstan is represented by spiritual and material components, while the fundamental component is the spiritual component [8], which largely determines the quality state of written Kazakhstan law, law-making and law-enforcement activities of citizens, law and order in the country. The material legal culture of Kazakhstan should be regarded as the material expression of the Kazakhstani spiritual legal culture.

It should be emphasized that the legal culture of Kazakhstan is an extremely capacious concept, its social significance in many ways exceeds the boundaries of the normative impact of Kazakhstani law on socio-political relations, since, being an integral part of the general Kazakhstani universal human culture, Kazakhstani legal culture directly or indirectly affects the formation of consciousness and the activities of the personality of a Kazakhstani human in various spheres of life of Kazakhstani society. Therefore, it is no coincidence that the overwhelming majority of Kazakhstan's problems of creating run-of-law state and civil society are directly related to the formation and development of Kazakhstan's legal culture.

The legal culture of Kazakhstan can be fully disclosed only in the context of socio-political progress since it is inconceivable without its progressive orientation. In this context, the legal culture of Kazakhstan is interpreted through the prism of the formation of the personality of the Kazakhstani human, who begins to realize and then demand and create legal, political means of protection of his nascent, 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 Kazakhstani society in the legal, political sphere relating to the subjects of political and legal regulation, allows us to single out the concept of the legal culture concerning the personality of the Kazakhstani.

Consequently, the legal culture of Kazakhstan is characterized not only by the current level, but also by its internal potential [9]. From this point of view, the legal culture of a Kazakhstani person is a certain character and level of creative activity. Thus, the level of legal culture of Kazakhstan reflects the degree of maturity, a civilization of the Kazakhstani person, his way of thinking and norms of behavior.

The legal culture of Kazakhstan as a complex systemic formation is a combination of material and spiritual achievements in the legal, political life of Kazakhstani society. It acts as a meaning-bearing and meaning-transmitting aspect of Kazakhstani, human practice and its results in the legal, political life of society. Therefore, in turn, the legal culture of the Kazakhstani person is expressed in the ideas of citizens as subjects of law, politics about legal, political phenomena, which are put into practice as a style of their activity. Moreover, the legal culture of Kazakhstan both determines the forms of life of a citizen and is a way of realizing his creative capacities.

Herewith it should be said that the formation process of the legal culture of Kazakhstani person 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 development dynamics. This inevitably entails certain differences in the legal culture of specific Kazakhstan people, which allows us to talk about the levels and types of legal culture of the Kazakhstani person.

The legal culture of Kazakhstan serves as a channel of "interaction, mutual respect of the individual, society and the state" [10]. Its main purpose is to carry out not the removal, but the accession of Kazakhstanis to society and social activities. It is associated with such essential features as purposefulness, the execution of power in the state and society, which regulates the impact on the entire spectrum of socio-political relations of the country. The legal culture of Kazakhstan is becoming a real tool for social, political and economic transformations, modernizations that have a significant impact on the functioning of the political and legal system of our state and civil society in general.

Based on the results of existing investigations of the legal policy and legal culture of Kazakhstan, it is possible to characterize the Kazakhstani legal culture as the degree of mastery of law, politics in action, in

particular, self-consciousness, responsibility in implementing the standards of law, politics, creative orientation towards common Kazakhstani universal values and norms, and also features of the national culture in conflicting political and legal situations, suggesting in its highest manifestation an intuitive political and legal behavior, participation in law-making activity and in the development of the country's public policy. So, Kazakhstani legal culture as a socio-political phenomenon is a complex phenomenon, a certain unity of the universal, the special and the single. The efficiency of each element in the general mechanism of influence on the Kazakhstani people varies depending on a whole complex of factors, including time, socio-political space, economic situation, political situation. Each component of this mechanism can be a determining element subject to the impact on the consciousness and legal consciousness of the personality of the Kazakhstani person and Kazakhstani society in general [11].

The legal culture of the population of Kazakhstan performs the basic functions of a common culture: it satisfies socio - political needs, affects social - political - legal reality, depending on creative activity, legal, political knowledge, and finally, the intelligence of each Kazakhstani individual. Moreover, even the most radical measures, laws, reforms, socio-political "modernizations" that do not take into account the human factor, the role of the Kazakhstani person in creating new socio-political reforms, which do not take into account the established traditions of the legal culture of multinational, multiconfessional Kazakhstan, its value orientations do not bring the desired results or cause socio - political disasters, etc.

Here we note that the socio-political function of the legal culture of Kazakhstan in many ways exceeds the boundaries of the regulatory impact of Kazakhstani law on public relations. It directly or indirectly affects the formation of consciousness and activity of various layers of Kazakhstani society, their socio-political relations, directions and rates of development of socio-political structures. Influencing 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 stages of the possibility of a "backward" movement, a kind of regression. Then the legal culture of Kazakhstan becomes one of the levers of negative forces in society, holding progressive development. Thus, the legal culture in Kazakhstan, being the most dynamic component of the general culture of the society, is at the same time most affected by the changes generated by the main trends of modernization of Kazakhstani society. Herewith, the main priority factor in this process is the activity of the Kazakhstani people that concentrates the main trends of socio-political reality, and, therefore, the essential characteristics of the legal culture in Kazakhstani society, any institution of the political and legal system of Kazakhstan or a person 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 create the fundamentals of the legal culture of Kazakhstani society and the personality of the Kazakhstani people. Moreover, the legal culture covers "all spheres of society" [12].

The legal culture of Kazakhstani society as a system is interconnected with external systems as well as with higher-order systems in which it is included. The functioning of the legal culture of Kazakhstani society is determined, ultimately, by a system of social and economic relations. This determination of the legal culture of Kazakhstani society brings to life such a function as legal support for the process of formation of the new Kazakhstani statehood. The meaning of this function changes as tasks change at one or another stage of the reform of Kazakhstani society. This function can be realized in various ways, including through the formation of the Kazakhstan population's legal knowledge, beliefs, habits, etc., ensuring their legally valid, socio-political - active behavior in the legal, socio-political sphere. It is important to acquire the skills of the legal system of Kazakhstan. In all likelihood, this is one of the main functions of the legal culture of Kazakhstani society today.

Recently, in the Eurasian scientific literature, a new concept is used of the opposite legal culture, the so-called "legal anti-culture", formulated by A.S. Bondarev, which "is a fusion in the legal consciousness and legal behavior of legal entities opposed to its legal culture of legal elements: ignorance of law, or superficial, fragmentary legal knowledge, legal prejudices, negative legal attitudes, legal passivity, or social illegal activity" [13].

Unfortunately, legal anti-culture as a new phenomenon in the socio-political space of society is undeservedly ignored by political science, including Kazakhstan.

The separation of the independent term "legal anti-culture", reflecting the opposite of legal culture, is proposed in the scientific literature as theoretically methodologically justified. Legal anti-culture is not

only a problem of legal, but also political sciences. This topic is for a separate independent political science study both in Kazakhstan and in the CIS countries.

The above-mentioned issues show that the legal culture of multinational, multiconfessional Kazakhstan is a complex political phenomenon that is studied from different perspectives, points of view. It is important to note that the different approaches of lawyers, sociologists, philosophers and political scientists, in general, do not contradict, do not oppose each other, but, on the contrary, mutually enrich each other and clearly illustrate the diversity, richness of the essence of legal culture, as in Kazakhstan, so in the modern world.

Because of this, it should be emphasized that the political science definition of the legal culture of Kazakhstan expresses essentially the socio-political connection and interaction of the person, state and society, and in this capacity, such an assessment acts as a systemic-political characteristic of the legal culture.

The legal culture of Kazakhstan is a political phenomenon, a certain nature and level of activity of the Kazakhstani person, in the process of which she/he gains or develops her/his legal, moral and political knowledge, skills. Besides, the legal culture of Kazakhstan can exist both as a result of the education of a legal person, and as a result of cultural activities in the field of law and politics [14].

Summing up, we can say that, firstly, the Kazakhstani legal culture is the installation that makes up the moral, social, political maturity bases of Kazakhstani society; secondly, the main requirement for the effectiveness of Kazakhstani legal culture is the improvement of the quality and level of socio-legal, political life of society and the country's personality. 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, the Kazakhstan legal culture essentially acts as an expression, a reflection of both the essence of the content and functions of the rule-of-law state and the result of the implementation of the legal policy of the Republic of Kazakhstan.

**Ғ. Р. Әбсағтаров**

Абылайхан атындағы Қазақ халықаралық қатынастар және әлемдік тілдер университеті,  
Алматы, Қазақстан

### **ҚҰҚЫҚТЫҚ МӘДЕНИЕТТІҢ ЖҮЙЕЛІК-САЯСИ СИПАТТАМАСЫ**

**Андатпа.** Мақалада саяси ғылымда әлі зерттелмеген құқықтық мәдениеттің жүйелік – саяси сипаттама мәселелері Қазақстанның материалдарында қарастырылады. Мақалада қазақстандық құқықтық мәдениеттің мәнінің, түсінігінің және анықтамасының саяси аспектілері егжей-тегжейлі зерттеледі. Қазақстанның құқықтық мәдениетін ғылыми-саяси зерттеуді тарихи сабақтастық призмасы арқылы нақты тарихи, саяси шарттары мен мән-жайлары және оның тұрақты динамикасында, өзгеруінде және дамуында тарихи сабақтастық принциптары арқылы тарихи қағидатқа сәйкес жүзеге асыру қажет. Қазақстанның құқықтық мәдениеті – өте ауқымды ұғым, оның қоғамдық маңыздылығы көп жағдайда қазақстандық құқықтың әлеуметтік-саяси қатынастарға нормативтік ықпал ету шекарасынан асып түсетінін атап өткен жөн, өйткені жалпықазақстандық, жалпыадамзаттық мәдениеттің құрамдас бөлігі бола отырып, қазақстандық құқықтық мәдениет қазақстандық қоғам өмірінің түрлі салаларында қазақстандықтардың санасы мен жеке тұлғасының қалыптасуына тікелей немесе жанама әсер етеді. Демек, құқықтық мемлекет пен азаматтық қоғам құрудың қазақстандық проблемаларының басым көпшілігіне қазақстандық құқықтық мәдениетті қалыптастыру мен дамыту мәселесіне ең тікелей қатысы бар. Қазақстанның құқықтық мәдениеті тек қоғамдық-саяси прогресс контекстінде ғана толық көлемде ашылуы мүмкін екенін атап өту керек, өйткені ол өзінің прогрессивті бағыттылығынсыз мүмкін емес. Бұл контексте Қазақстанның құқықтық мәдениеті қазақстандық тұлғаның қалыптасу призмасы арқылы түсіндіріледі, ол өзінің пайда болған, дамып келе жатқан еркіндігін, құқықтары мен автономиясын қорғаудың құқықтық, саяси құралдарын түсініп, одан кейін талап ете бастайды. Мақалада қазақстандықтардың құқықтық мәдениеті қолма-қол деңгеймен ғана емес, сонымен қатар ішкі әлеуетпен де сипатталады. Осы тұрғыдан алғанда, қазақстандық тұлғаның құқықтық мәдениеті – шығармашылық

қызметтің белгілі бір сипаты мен деңгейі. Осылайша, Қазақстанның құқықтық мәдениетінің деңгейі қазақстандықтардың жетілу дәрежесін, өркениетін, оның ойлау салты мен мінез-құлық стандарттарын көрсетеді.

Жүргізілген зерттеулер негізінде Қазақстанның құқықтық мәдениеті күрделі жүйелі құрылу ретінде қазақстандық қоғамның құқықтық, саяси өміріндегі материалдық және рухани жетістіктер жиынтығы болып табылатындығы туралы қорытынды жасалды. Бұл ретте, ол қоғамның құқықтық, саяси өміріндегі қазақстандық, адамзат тәжірибесінің және оның нәтижелерінің мағыналы және мағыналы анықтаушы аспектісі ретінде әрекет етеді. Құқықтық мәдениет-бұл саяси құбылыс, белгілі бір сипат және жеке тұлғаның қызмет деңгейі, ол процесінде өзінің құқықтық, адамгершілік – саяси білімін, іскерлігін, дағдыларын игереді немесе дамытады. Сонымен қатар, мақалада пікірталас мәселелеріне де назар аударылды.

**Түйін сөздер:** жүйе, саясат, құқық, мәдениет, қоғам, мемлекет, мінездеме, мәні, түсінігі, анықтамасы, әділдік, гуманизм, тұлға, сана, құқық тәртібі.

**Г. Р. Абсағтаров**

Казахский университет международных отношений и мировых языков им. Абылай хана,  
Алматы, Казахстан

### **СИСТЕМНО-ПОЛИТИЧЕСКАЯ ХАРАКТЕРИСТИКА ПРАВОВОЙ КУЛЬТУРЫ**

**Аннотация.** В статье на материалах Казахстана рассматриваются вопросы системно – политической характеристики правовой культуры, которые еще не изучены в политической науке. В статье более подробно исследуются политологические аспекты сущности, понятия и определения казахстанской правовой культуры. Научно-политологическое исследование правовой культуры Казахстана в ее постоянной динамике, изменении и развитии в конкретных исторических, политических условиях и обстоятельствах, через призму исторической преемственности необходимо осуществлять в соответствии с принципом историзма. Следует подчеркнуть, что правовая культура Казахстана – чрезвычайно емкое понятие, ее общественная значимость во многом превосходит границы нормативного воздействия казахстанского права на социально-политические отношения, так как, являясь составной частью общекзахстанской, общечеловеческой культуры, казахстанская правовая культура прямо или косвенно влияет на формирование сознания и деятельности личности казахстанца в самых различных сферах жизни казахстанского общества. Следовательно, не случайно, к подавляющему большинству казахстанских проблем построения правового государства и гражданского общества вопроса формирования и развития казахстанской правовой культуры имеют самое прямое отношение. Надо отметить, что правовая культура Казахстана в полной мере может быть раскрыта лишь в контексте общественно-политического прогресса, так как она немыслима без своей прогрессивной направленности. В данном контексте правовая культура Казахстана трактуется через призму становления личности казахстанца, которая начинает осознавать, а затем требовать и создавать правовые, политические средства защиты своей зарождающейся, развивающейся свободы, прав и автономии. В статье отмечается, что правовая культура казахстанца характеризуется не только наличным уровнем, но и внутренним потенциалом. С этой точкой зрения правовая культура личности казахстанца – это определенный характер и уровень творческой деятельности. Таким образом, уровень правовой культуры Казахстана отражает степень зрелости, цивилизованности казахстанца, его образа мышления и стандартов поведения.

На основании проведенных исследований был сделан вывод о том, что правовая культура Казахстана как сложное системное образование представляет собой совокупность материальных и духовных достижений в правовой, политической жизни казахстанского общества. При этом, она выступает как смыслонесущий и смыслопередающий аспект казахстанской, человеческой практики и ее результатов в правовой, политической жизни общества. Правовая культура – это политическое явление, определенный характер и уровень деятельности личности, в процессе которой она приобретает или развивает свои правовые, нравственно – политические знания, умения, навыки. Вместе с тем, в статье уделено внимание и дискуссионным вопросам.



**Ключевые слова:** система, политика, право, культура, общество, государство, характеристика, сущность, понятие, определение, справедливость, гуманизм, личность, сознание, правопорядок.

**Information about the author:**

Absattarov Galymzhan Raushanbekovich, candidate of political sciences, Associate Professor, Kazakh Ablai Khan University of International relations and world languages, Almaty, Kazakhstan; absat41@mail.ru; <https://orcid.org/0000-0002-3148-1383>

**REFERENCES**

[1] Syzdykova S. Some Issues equating the freedom and rights of citizens in Kazakhstan // Akikat. 2016. N 5. P.104-107 (in Kaz.).

[2] Concept of the legal policy of the Republic of Kazakhstan for the period 2010 - 2020 // Kazakhstanskaya Pravda. August 27, 2009 (in Russ.).

[3] Melnik V.A. A modern dictionary of political science. Minsk: Book House, 2019. 186 p. (in Russ.).

[4] Nazarbayev N.A. Looking into the future: the modernization of public consciousness // Thought. 2017. N 5. 4 p. (in Russ.).

[5] 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. N 5. P. 129–135.

[6] Aliyarov E.K., Ayupova Z.K. Improving the legal system of the Republic of Kazakhstan and the contribution of academician S.S. Sartayev in the formation of the rule-of-law state. - Almaty: Economics, 2016. - P. 255. (in Russ.).

[7] Balakmets I.I., Sokolov A.N. Legal culture: genesis, essence, condition, problems and development prospects. - Kaliningrad, 2012 (in Russ.).

[8] Zhunistegi K. We Are Afraid Of It // Akikat. 2017, N 6. P. 60-61 (in Kaz.).

[9] Ibraeva A.S. The Legal Culture of Kazakhstan: The Problem of Formation, the Factor of Development. Almaty: Kazakh University, 2004 (in Russ.).

[10] Narbayev B. Features of the legal culture of the Kazakh nation: political science aspects // Bulletin of KazNPU. Series of sociological and political sciences. 2018. N 1. 10 p. (in Russ.).

[11] Absattarov G.R. Legal policy and education of legal culture: Kazakhstani experience. Almaty: Ulagat, 2016. P. 98, 100 (in Russ.).

[12] Akhmetov A.S. Legal culture and legal education in modern Kazakhstan. Pavlodar: PSPI, 2016. 10 p. (in Russ.).

[13] Bondarev A.S. Legal anti-culture in the legal space of society. Perm, 2006. 29 p. (in Russ.).

[14] Absattarov G.R. Political technologies of legal culture education // Bulletin of the National Academy of Sciences of the Republic of Kazakhstan. 2019, T 4. P. 110–115.