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Interaction of state and civil society in Kazakhstan

The article considers the interaction and mutual influence of civil society and the state with regard to global and Kazakhstani experience. For full disclosure of problematic issues topic examines the widespread notion of civil society, particularly the social, economic, political, spiritual, cultural and information systems civil society. To build a full-fledged civil society and legal state the proper level of social, economic, spiritual development, only a person with a high level of legal consciousness and legal culture, aware of its responsibility for the destiny of the society and state is a member of a civil society and legal state.

Key words: state, civil society, spiritual development, rule of law, society, social, economic, political, spiritual, cultural and information system civil society, legal consciousness, legal culture, responsibility.

Concepts of Constitutional state and Civil society in law science exist as a unit phenomenon, defining and justify each other during their origin and formation. They are closely related during their development and function, and show unity of vise verses. In some cases the permanent contradictions between them may arouse controversy; it comes to solution by peace, cultural, constitutional mechanisms between developed constitutional state and civil society.

Constitutional state and civil society form relatively independent system. In constitutional relationship they are considered as a part of common and whole constitutional system. Constitutional system functions as their action and relationship with each other. Civil society and Constitutional have a different relationship with constitutional system. Civil society is an area, object, space legal screening of natural and personal rights. We should take it into account. Civil society cannot reject laws adopted by positive Constitutional state. Because, they send their representatives to legislature branch where they considered separate legal rights. With the help of them State protect their citizens' freedom, rights and social institutions.

In the process of defining their differences professor Z.M. Chernylovsky put forward a number of conditions which must be adhered:

- Civil society does not exist outside the state and before it;
- State care for the welfare of the people and to carry out their goals;
- Civil society has the right to demand from the state of life, health and safety;
- State is obliged to solve the contradiction between the groups;
- Foreign policy and the army forces provide the country to live in peace and at peace with the other peoples [1; 143].

Analyzing this view, we are led to believe that the state is superior and civil society has lack of the right. For this author gives his own explanation: "Society needs to be in conjunction with the state and influence its policy. Here civil society is recognized in relation to the state as "the supreme sovereignty".

Political legal analysis on civil society originates from its recognition of the state Majesty. Second step is that civil society recognizes isolation independence of the state. We can combine half legal, half philosophical signs like individual and collective individuals itself execute (Gajiyev K.S.), supervisors association (Akmambetov G.G.), Civil society freedom (Matyuhin A.A.). Qualities that are named reveal themselves as manufacturer and economically financed society. Its value is the legal government and legal self-regulation. Because of Laws enacted by the legislature and the state, legal framework of civil society during a period of time is formed and changed by the requirements of modern time. Interaction between Civil society and executive raises some difficulties. Besides the negative effects of corruption, there are also other bureaucratic absurdities. It is possible to reduce its negative impact. They include the constitutional system of civil society, rule of law, constitutional awareness, constitutional culture, constitutional education. Academician M.T. Baimakhanov said Etatist state based on the dictates of strict control society, interfere in its affairs hinders its transformation into civil society. Destruction of the root and the emergence etatistizm legal principles of the State affect the appearance of civil society, as it is a prerequisite for the development of the legal state. These two factors (civil society and Constitutional state) cannot be divided, as they are in organic connection.

To form a civil society in Kazakhstan the man should be modernized [2]. Man, mankind is its foundation. Legal state is a promising foundation for the development of civil society [3; 127].

The study of civil society there are two main comments of its importance. Some thinkers say civil society describes one case society. Whereas civil society is equated to a particular type of state is secured and protected the rights and freedom of the individual, so it is considered to be "civilized" civil society. According to the second opinion, civil society is seen as one aspect of society, by external public relations, structures and institutions. Against the formation of sociological relations, the state influences the development and services in the region. Secondly, civil society plays a mediating role between individuals and the state. On the one hand it is an arena of conflict of interests on the other, is an active member of this process.

Feature of Kazakhstan is a state power. It causes to limit institutions itself, and takes place the predominant role of the state. Nongovernmental organizations act in Kazakhstan with cause of it. That is why, it is important to define signs and mechanisms of reaching supreme court. According to A. Matyuhin in Western countries the law appears in the result of cooperation between the state and legal institutions, and to Kazakhstan it is suitable legalism. This is due to low developed political institutions and historical traditions of social stratification [4; 217].

As we said before, concept of civil society appears in Kazakhstan. If right is freedom, the civil society is a socio-economic and political legal value.

In order to form a civil society in Kazakhstan we need the formation of concrete concept nature of the institution. The literature on law gives different definition of civil society. "A civil society is social, cultural and spiritual classify acting, its re-performance, passed down from generation to generation and the system that provides live, private individuals and their collective interest and necessity of implementation directed the creation of conditions for all the above, individual personal institutes and attitude systems. All of these appear through interests and needs of family, church, the system of education, scientific, professional unions, associations, organizations and etc. carried out and find its manifestations. In general, a civil society equals with spheres of individuals the interests and needs, etc." [5; 45]. «A civil society — is free individuals who are owners of special sphere (economics, social, cultural, exemplary, spiritual, company, family, religious) together against out-of-state and from politics" [6; 242]. «A civil society — is different economical, social, cultural, ideological, religious, sample public — regarding out-of-state actions. This concept helps- to find out legal phenomenon, to define their boundaries action. The state should not be weak or slow, and must have the power and should not stand higher from the society. Know exactly borders interference in the life of society and not all relationships, it needs a strong state which regulates only important to society accommodation and development" [7; 259]. So we have a habit of understanding that civil society is represented, as a collective people living outside the state. Anyway civil and state concept to each other are not opposite, they are two opposite give one concept-that is, social organized society shall be settled by the massive power. The concept of civil begins with the concept of the state and it is impossible to divide it from the state.

Russian jurist L.S. Mamut thought that, in order to understand the specific organization and the rule existence of society, gradually it is necessary to remove the concept of citizenship from a range of science, we must form the concepts relevant definitions about the true nature of the public the existence of non-state modus. In this regard, the author refers to the property of the state power of the united extras, understood as an organized society; and calls the social beginning of public modus of the state. To define civil society he used the term the social beginning of public modus of the non-state [8; 94].

Nowadays the conditional definition of the concept looks winning, because the state, civil society, association of individuals is one of a part of society.

The state — is the element of civil of society, it supplements integrity, and it takes an object, individual personal part of society. The state is known concerning against civil society, state, permanent element of the government formed by society, but civil society is a social movement and the influence of trends more sensitive to settle, the moving element.

When we compare state and civil society, some authors say that civil society is sovereign from state and they regret that the state intervenes in the affairs of civil society. The following conclusions proves, that authors understood the state as not united organized society, state apparatus, state authority and the system of establishing and people who work for them. It is wrong to distort concepts, when we compare the state with civil society.

"Since government has started existing, we can't imagine the society without the government's control..., government always plays a role of guidance in a society. We can speak only about government's in-

tervention and degree" [9; 362]. In this definition we should change the word intervention to manage, because the word intervention has a negative meaning.

In this case we should define the meaning of government. The meaning of government depends on its aims and needs to solve the problems. Government's concrete meaning-is its social direction, it means how it control relation in society, rule the society. To continue humans' live we must have constant social life, it comes from social management. The aim of government is to run objectives of society. Determination of the influence of the state in the management of social relation is a problem in regard to the essence of the state. That's why law science considers two variants of this problem. First of all the totalitarian state has different conceptions-the state on complete control in general all relations (police state). From second side, it has opposite theories, for example, "night guard" is state's conception. This conception is legitimated to Liberalism and lays functions of defender of state, so state is "night guard", the state does not interfere in the economy and the lives of individual citizens only enforces discipline. To determine the functions of the state borders it is necessary to consider the concept of civil state.

If society leaves from control of the state, it is possible character then to present as following: society disobey orders, it doesn't perform issued laws. Such social conditions were in the history of nationality, but they had lived not for long. They were called ohlokratyа in ancient times; it is translated from Greek "power of group".

Instead of such situation can be presented the following a positive image: the state and society will live on mutual coordination. Society will be filled up full life, doesn't deny the state. The state and society have definite borders; first of all, people have their daily life, bring up children, and do work. Secondly, the state provides accomplishment of control mechanism of the society, the rule of settlement of mutual relations between people and the implementation of published laws. The State doesn't mixed up life of people, denotes its limits on representation. There will appear communication partnership between the state and society. Of course this is the most suitable position for both of them.

A civil society — is not state's political part, it is economical and individual part. A civil society — is free democracy legal and civil society, individual control mode, slack management method, class contempt, totalitarian system, prohibits the right of the violence, respects the theory of law and approximate, holiness and justice. A civil society — is mixed economics, business, and different social groups' interests with absolute equality of market, multilateral, competitive society. In this society the state service arrangement will be in the right measure: compliance with legal disciplines, combating criminal offence, owners of individual and collective property, their right and freedom, carry out their activity in professional work, create condition without obstacles to act in the field of legislation.

The State influences to society through organs and system of institutions. For a state with civil society existed in harmony, it needs to have the traits of a positive impact, for example: the attitude of civil society and features institutions, its adjustment and social and cultural mechanisms, conform its historical development. The influence "to participate in the life of civil society" will be understood not so "intrusion".

A civil society is independent comparatively from the state not as absolute form. State is needed to organize social life and to form legal basis. For example, the market itself is organized system. But state must help to work and develop this system of mechanism. The state must shape the competitive interests of the subjects and their equality. The market managed not only economic diligence and interests, and this mechanism needs norms towards the necessary channels. The market is not possible to imagine without competition, but competition — is not negligence, it is formed by law "the corresponding rules of the game".

Natural, market driven there is no market anywhere and on any case shall be settled by the state through its laws.

Education, health care, housing and social security are exact industries that require the participation of the state.

A stable economy and stable policy cannot be created in an unstable society. In order people fully prevented their potentials, should actively identify targets, their voices should be heard by the authorities. A civil society is — the phenomenon of civilization of the West. Therefore, from the West (European, North Americans) out of culture — consider this phenomenon from the point of view of civilization, it was an opportunity that we should compare taken appropriate model of the West. But, according to this question the results of the research scientists of the West concerning our state, it is necessary to make correctly Because state formation of our and their civil society are different. In the West of the state of formation of the civil society were based on the formation of democratic traditions, economic and political freedoms. In the new era we began the formation of civil society. In our country will not bring any results that civil society institu-

tion, which is recognized in Western countries and their implementation as "the mechanical form". The civil society has its structure.

Industry components of the types of action and the state social sectors may be associated changes, they most often composed of free association, the social movement, market and intermediate institutes. Various social organizations and public institutions components of civil society, the interests of the individual and collective their necessity implementation and state security, the state power at the service of society, has the ability to "pressure". The relationship between individuals mutual first level, ensure the existence of life of individuals, meets and industrial relations, human nutrition, clothing, housing and etc. make the essential need. This needs of professional, consumer, and other associations are provided by the associations through social institutions.

The continuation of generation, healthcare, education of children, developed spiritually and faith - belief, information, participation, etc. need marital, religious, national and other mutual interaction is provided through a set of socio-cultural relationships. The above is the second level of relations. At this level the necessity of family, church, education and research institutions, creative unions, sports club-mugs and others are carried out. The third level of relations between individuals is a political — cultural relation. Through these relationships, the individual is justified politically selects and direction values satisfy the need to communicate individually chooses participation in political life. This level generates a private individual specific political credo. Also, this level the individual has formed the legal consciousness, he can express social initiative. Individuals and their political credo and interests groups, is implemented through political party-movement. Civil society can be thought of as people with each other and independent of the state of the interacting social space. The Foundation of civil society — civilization, acting personally, full in the right of the individual, therefore, any society is its value and quality of direct communication quality personalities. A civil society is the basis of individual ideas of independence, connected with formation of the value of personality. Person, his legal right necessity and freedom, which was portrayed through the natural needs and interests, is the beginning of forming intellectual energy. The different join a community of people; their stable mutual relations are the constituent elements of the social structure. The structure of civil societies, describing the industry of life, indicates five main types of systems:

Social system has formed in the objective form, the set provides the relation between people. This is the beginning of the foundations of civil society, has a great effect for other systems. In the sphere of civil society between individuals, there are various objects of cooperation (neighbourhood, city, community, professional, national), is socialization in the voluntary as (the sick, the elderly, the disabled, assistance to the homeless, etc.).

A civil society destroys the monopoly in the social sector policy. In many developing countries, social insurance, health care, protection of labor, social assistance to lonely elderly people and other spheres are not a commercial organization provides a high level of social protection of citizens, they relieve them from the detailed rules of discipline of the state structures, output the mercy of tens of millions of people, charity and interests of fair potency. In the field of this system it is possible to distinguish three blockages first, the continuation of the human race, prolongs life, relations in the education of children. The family-run institutions and relations connected with them, provides connectivity biological and social undertakings in society. The second blockage is formed by inner character of human's social relations. This people are connected to the relations between different groups in the specific sphere (clubs, associations and so on). The third blockage consists of large human, social communities (groups, classes, nations).

Economic system means a set of economic institutions, and relationships. Property relations, which are all covered by a cycle that is entirely economic relations and social production and consumer constitute the first layer of the economic system. Civil society is based on two concepts — physical person and property. Not material and material relations is the next important part of the society. On the basis of production there is labor members of society, therefore, labor relations is an integral part of economic relations. Private citizens, corporation, company, comradely, farms, private enterprise citizens are elements of the economic system.

Solid elements that governed themselves civil society constitute the political system of society — government, political parties, social-political movements, associations and connections. The individual citizen, acts as a member of the party organization. All attempts on this system are covered by related power relations. Power relations are different: the state and other elements, public authorities and institutions, etc.

Spiritual-cultural system has its own place. System of people, associations flocks, the total state and between the spiritual and cultural values and the relevant institutions, agencies (form, scientific, cultural,

religious) contact formed relationships. For man and society place of science, culture, education separately. They keep the historical experience, collect and develop a common tradition of humanism, scientific and cultural values.

Information system is formed as a result of people communication with each other directly and through the media. As T.Peyn said free publication is the foundation of a democratic society. When information is free, it has a power above authorities' impressive power. Public opinion, which has a very important influence of the emerging information of strong citizenship. Information regarding the payment of citizenship, society organizes all things. You're in a democratic society, the mass media plays an important role that you and the other controls the activities of the institutes and government authorities. Civil society people are free to achieve the rights provided in the form of real information.

So that they formed safely necessary social and economic development. People, who have developed legal mind, legal culture and generally higher level of culture can be a member of the legal state and civil society.

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Қазақстандағы азаматтық қоғам мен мемлекеттің өзара әрекеттестігі

Мақалада азаматтық қоғам мен мемлекеттің өзара әрекеттестігі мен өзара ықпалдасу шектері әлемдік және қазақстандық тәжірибені есепке ала отырылып, қарастырылды. Мәселені толық ашу мақсатында азаматтық қоғамның кең таралған түсінігі анықталды, азаматтық қоғамның әлеуметтік, экономикалық, саяси, рухани-мәдени және ақпараттық жүйесінің ерекшеліктері ажыратылды. Азаматтық қоғам, құқықтық мемлекет толық қалыптасуы үшін тиісті әлеуметтік, экономикалық, рухани даму деңгейі қажет, құқықтық сана, құқықтық мәдениет деңгейі жоғары болатын, өзінің қоғам және мемлекет тағдыры үшін жауаптылығын сезінетін жеке тұлға дамыған азаматтық қоғамның және құқықтық мемлекеттің мүшесі болып табылады деген тұжырым жасалды.

М.Маханбай, Г.Т.Байжанова, С.С.Серікбаева

Взаимодействие гражданского общества и государства в Казахстане

В статье рассмотрены взаимодействие и взаимовлияние гражданского общества и государства с учетом мирового и казахстанского опыта. Для полного раскрытия проблемных вопросов темы рассмотрены широко распространенные понятия гражданского общества, особенности социальной, экономической, политической, духовно-культурной и информационной систем гражданского общества. Автором отмечено, что для построения полноценного гражданского общества и правового государства необходим соответствующий уровень социального, экономического, духовного развития. Выделено также, что только личность, обладающая высоким уровнем правового сознания и правовой культуры, осознающая свою ответственность за судьбу общества и государства, является членом развитого гражданского общества и правового государства.

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Қазақстан Республикасында ақылы білім берудің ұйымдастырушылық-құқықтық мәселелері

Мақалада Қазақстан Республикасының білім жүйесіне сипаттама беріліп, түрлі деңгейде білім берудің ерекшеліктері қарастырылған. Ақылы білімнің мемлекет пен қоғам үшін пайдасы мен зияны көрсетілген. Ақылы білімнің дамуына салыстырмалы талдау жасалған. Ақылы білімнің ұлттық адами капиталды қалыптастырудағы рөлі айқындалған. Қоғам мен мемлекеттің элитасы және адами әлеует мәселелері зерттелген. Ақылы білім беру қолданыстағы заңнамада қаншалықты бекітілген және қандай заңнамалық олқылықтар бар екендігі айтылған. Зерттеу нәтижелері бойынша ғылыми негізделген ұсыныстар жасалған.

Кілт сөздер: білім жүйесі, ақылы білім беру, қолданыстағы заңнама, адами капитал, элита.

Егер дін көңілің өзге нәрседі болса, білім-ғылымды бір-ақ соған себеб қана қылмақ үшін үйренсең, ондай білімге көңіліңнің мейірімі асырап алған шешеннің мейірімі секілді болады. Адамның көңілі шын мейірленсе, білім-ғылымның өзі де адамға мейірленіп, тезірек қолға түседі.

Абай. «Отыз екінші қара сөз.»

Ақылы білім беру бүгінде қоғамда қалыпты жағдайға айналып, ақылы түрде жоғары және орта кәсіби білім беру, тіпті ақылы түрде орта міндетті білім мен мектепке дейінгі тәрбие беру кең етек алуда. Әрине, өз азаматтарының қаржылық жағдайына қарай барлық деңгейде білім алуын қамтамасыз етіп, тиісті мамандық алып, кәсіп иесі болсын деген мемлекеттің бұл саясатында еш кінә жоқ. Бұл демократиялық мемлекетте көрініс табатын жағымды құбылыс деуге болады.

Алайда ақылы білім беру мәселесіне тереңірек үңіліп қарайтын болсақ, ол өз кезегінде қоғамда әлеуметтік теңсіздік, сапасыз білім беру мен қажетсіз маман дайындау, мемлекет және қоғамның интеллектуалдық элитасының заман талабына сай емес деңгейде қалыптасуы іспетті бірқатар мәселелерге негіз болып отырғанын байқаймыз. Ақылы білімді сырттай нысанда бітірген түлектердің саны бүгінде жүз мыңдап санауға келеді. Нәтижесінде, алған дипломының мамандығы бойынша жұмыс істей алмай жүрген адамдардың саны жеткілікті. Ең қауіптісі, аталған азаматтар тиісті дипломы болғандықтан, қоғам мен мемлекеттің элитасына жаппай шоғырлануда. Бұл мәселе кез