
МЕМЛЕКЕТ ЖӘНЕ ҚҰҚЫҚ ТЕОРИЯСЫ МЕН ТАРИХЫ ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА

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Multiparty system as a basis for forming of sovereign political system of Kazakhstan

This article discusses the political system of the Republic of Kazakhstan, including the formation of a multiparty system. Position of the parties in the state is determined by several regulations. Scientific study of the legal status of political parties is important for the resolution of practical and legal problems of the development of this phenomenon in our society. Background research is that theoretical and practical problems of legal regulation and development of political parties among the priorities and are traditionally the focus of both foreign and domestic legal and political science.

Key words: Republic of Kazakhstan, Commonwealth of Independent States, pathogenesis, multiparty system, political parties.

In the difficult transition of creating a fundamentally new democratic system in republic is becoming more visible process of mutual influence, interdependence of political pluralism and democratization, activity of political parties and the formation of a sovereign state.

At the first stage of democratization of Soviet society there were serious clash of opinion, a struggle for the abolition of Article 6 of the Soviet Constitution that legislated the leading role of the CPSU in the state.

The multiparty system on the territory of Commonwealth of Independent States (CIS) introduced by the Law of the USSR on March 14, 1990 «On Approval of the post of President of the USSR and the Amendments to the Constitution (Fundamental Law) of the USSR», which was approved by the new article in the Constitution of the USSR that admits the existence of the other political parties along with the Communist Party. In fact, the right to exist alternative political parties received only 1 January 1991, when the USSR's Act «On Public Associations» came into force.

However, the multi-party system was actually abstract because none of the newly created political parties could not create real competition of the CPSU for objective reasons, and, consequently, to actually participate in the political life of the country [1; 50].

As the President of the Republic of Kazakhstan N.A. Nazarbaev noted, «... the fundamental turning point opening the way for the establishment of a multiparty system was the collapse of the USSR and its cementing element represented by the CPSU» [2].

Indeed, the establishment of a multiparty system in Kazakhstan has a general rules with the similar processes in other CIS countries.

Almost everywhere there was not just a transition from one-party system to a multiparty, there was an interrelated process of eliminating state-political monopoly of the CPSU, the creation of the new state and its appropriating party system.

At the same time, it is clear that the development of a multiparty system in Kazakhstan has its own characteristics due to the specific historical, demographic, political, ethnic and cultural identity, predetermining the specifics of pathogenesis and functioning of the party system in the country. Thus, to understand the role of political parties in forming the legal states system and civil society in Kazakhstan should make

a point of internal policies of senior management shows focus on the implementation of the national interests of the country through loyalty to political parties and movements and the cooperation with them [3].

The process of creating a multi-party system is difficult and many-sided.

As the scientist S.A. Dyachenko noted: «A multi-party system is not confined to the presence of several registered political parties».

This is the well-organized, well-functioning system in which political parties are on an equal legal conditions, fair compete for the influence over the major groups and sectors of society, it is the system which is provide the principle of rotation of parties in power depending on the clearly expressed will of voters ", a system in which «multiparty means the presence of number of political associations who express and protect diversity existing (or emerging) social interests on the political level» [1; 52].

A number of researchers believe that, firstly, «the classification of political parties and movements of Kazakhstan is difficult by the fact that in addition to the traditional division into «right», «left» and «center» there are a number of organizations in which the preferred direction is the ethnic issues» [4; 172].

Secondly, «the most important factor underlying features of the development and establishment of a multiparty system in Kazakhstan in recent years was specific citizens' consciousness based on a complex and bizarre intertwining of Soviet statist ideology and Asian paternalism ...» [4; 222].

Third, the mentality of Eastern society, entered into a period of modernization, characterized by «commitment to charismatic leaders, hierarchy, personality orientation, the search for consensus» that affects on the formation of democratic institutions.

It is important to have an understanding of the political changes in the last 20 years to understand the nature, content and features of the process of multiparty system formation in the country, its role in the formation of the Kazakh state system, the specificity of their interaction, identify the levels of their interaction.

According to the well-known periodization process in Kazakhstan the forming of public-political system can be divided into five stages

The end of 1986. — beginning of 1990 (the formation of informal associations);

Initial period: 1990–1991 (creation of parties, movements and organizations);

Average period: the period from the end of 1991–1995 (formation of the independent Republic of Kazakhstan, the political differentiation and registration of parties, public associations);

Late stage: 1995–1999 (the formation time of a number political parties);

The present stage is the period, which begins from the second special presidential elections of Kazakhstan.

The role of political parties in the statehood were both positive and negative the causes of which lie in the fact that level of democracy in today's transformed Kazakhstan is still low, while political socialization includes nonrecurring and parallel learning processes of democratic political culture on the one hand and loosing estimates, judgments, political orientations and values inherent in of totalitarian system on the other hand.

Changing the mechanisms of political socialization in the country was complicated by overlaying not only social class, but also of national conflicts in combination with the transformation of the political system on a background of deep systemic crisis. This unique combination of factors had seriously changed man's relationship with the state and its institutions, and imposed its own character on the promotion of the society towards political pluralism

In the first period of the development of socio-political organizations of Kazakhstan had set the prerequisites for the transformation from the quasi-sovereign states in the real sovereign. Since then, many of the social and socio-political groups came in the movement and their interests had gradually structured. Since the same time began the changing of the nature of political and party system of Kazakh society, which, in turn, affected to the formation of a new government.

The club type associations, formed after the December 1986 events, created the prerequisites for dismantling existing Soviet party-state system, new statehood and suitable political system

There were prerequisites for the formation of political society in which civil and protoparties institutions mediate the relationship between citizens and the state in 1988–1990 years in Kazakhstan.

It's necessary to stress that for most social structures of the first period characterized by a strong leaning orientation of opposition to the current government. Although, along with it, arose the associations of citizens consolidating their efforts to support the transformations in society. However, regardless of the direc-

tion and the nature of its activities the associations operated separately in the various regions of the country at this stage. Many of them had no program of action. The population didn't trust them.

The second stage of the development of multifunctional structures of civil society characterized by the kind of surge public activity, its high dynamics, the emergence of new organizations, decay, splits, all kinds of reorganization in public associations.

This had been facilitated by the abolition of Article 6 USSR Constitution on the II Congress of People's Deputies of the USSR in 1990 that enshrined one-party political system and the dominance of the Communist Party.

This step removed the obstacles to institutionalization of political structures and proclaimed permissive policies of the state towards a multiparty system and pluralistic society.

The emergence of different in their orientation of social initiatives, caused by the inclusion of a significant number of citizens in political life, as well as the diversity of their interests, determined the occurrence of historical and educational, national, cultural, peacemaking, anti-war, environmental and other movements and currents.

This period is conditional on dissatisfaction of the opposition with the state of affairs in the state, increased activity of the masses in connection with the elections in the republic and local Soviets of People's Deputies and as result of the desire of social movements and parties to push «their» candidates, the tendency of ethnic communities of Kazakhstan revive folk customs, traditions, spiritual culture and developing in connection with the movement of national-patriotic forces for the independence and sovereignty of the Republic of Kazakhstan.

The appearance of numerous voluntary associations of citizens, in turn, stimulated the creation of an appropriate legislative framework. The ideological and political diversity in the country proclaimed in the Declaration of State Sovereignty of the Kazakh SSR, adopted by the Supreme Soviet of the Kazakh SSR, October 25, 1990, which created legal preconditions of institutionalizing multiparty system. The 1991 Law «On Public Associations in the Kazakh SSR», acknowledged as such «voluntary formation of citizens united on the basis of common interests» [5].

Thus, by early 1991, you can note the appearance of the spectrum of political associations, the main aim of them was to mobilize their own resources, struggle for population's support of their ideas and actions.

The beginning of the middle period of multiparty development coincides with the state independence.

Further development was given to the party and movements which bring to the forefront ethnic values, thereby contributing to the ethno-political differentiation of the Kazakh population.

Significant influence of national-democratic organizations made favor the struggle for giving constitutional status of the Kazakh language

In this context, it seems to pay tribute to the People's Congress of Kazakhstan, the civil movement «Azat», the International antinuclear movement «Nevada-Semipalatinsk» and a number of others, who with simple and understandable slogans and appeals in the interests of majority of the population contributed to the attainment of Kazakhstan state sovereignty. Their main program goals and objectives were: to revive of the Kazakh nation, the full develop of all national and ethnic groups in Kazakhstan, unite of national-patriotic forces to create a legal and multiparty society, create the independent state based on democratic values. The socio-political organizations movant with alternative draft bills on citizenship, migration, the Constitution, etc.

However, during this period the parties were almost «off» from the transfer of political experience and training policy action skills for most of the population.

Such «aggressive» activity of public associations was linked with the deepening socio-economic crisis, increasing political and legal controversies, indecisive and inconsistent, half-hearted actions of the union leadership. The growth of anti-communist sentiment led to the assertion in the socio-political organizations of radical-liberal, or nation-state doctrine.

The ideas to revive the original Kazakh culture, language were lobbied with strong enough in 1990–1991 CM «Azat» and were indicated in the Law «On the State Independence of the Republic of Kazakhstan», adopted in 1991.

However, considering the activities of interformt «Unity» and several other organizations, closed in the narrow ethnic framework led to understanding the necessity to reject the creation of a possible legal framework for the politicization of delicate problems in the sphere of international relations. Therefore, in this Act were laid approaches based on the ideology of national statehood. The development of these approaches create the prerequisite from release of ethnocentrism manifestations.

At once this law carried a strong imprint of a compromise between the main socio-political forces. Thus, in particular, the priority given to individual rights, as opposed to the rights of the nation. At the same time the law «united people of Kazakhstan» is viewed as consisting of all nationalities, united by common historical destiny with the Kazakh nation.

On this stage of the formation of a multiparty we observed the awareness that ethnic issues passed into the background and departure from the populist democracy. There are new parties, new political movements. Moreover, if in the early stages the associations were creating due to civil initiative with loyal attitude of the authorities, then the creation of political parties were involved the mechanisms of their formation as the «bottom» (PDA GDK «Azat») and «top» (SEC, PNKK, PNEK) [2].

Development of a multiparty system was in brand new conditions for the state's sovereignty and independence.

The political pallet in 1993–1995 was considerably diversity and the traditional scheme — «liberal reformers», «national-patriots» — in the new political environment has become inadequate time.

The liberal democratic reforms lead to relationship between party-political and state institutions in the plane of the joint work on the approval of Kazakhstan as the independent state on the global community. This led to the adoption the first Constitution of the Republic of Kazakhstan in 1993. The consensual potential of this Basic Act on the status of the Russian language, citizenship, the presence of the notion of «Kazakh statehood», checks and balances among the branches of government proved insufficient, and in 1994 certain provisions of the Constitution have been criticized that made the political situation in the country complicated. It served as a catalyst of appearance of new political parties and associations.

The main reason for their creation during this period were the personal considerations when in the eyes of the people is determined by the political unification of the personality of its leader, unlike many other states, where most policies are determined by the identity of his party affiliation. This is one of the specific features of partogenesis in Kazakhstan.

During this period in the previous election campaigns in the highest legislative body of the country became apparent his other specifics when voters expressed their preference for the person who is running the line from politics to the party that he represents (if any), and only then to the party program installations. It is known that in western countries this process takes place in the opposite direction: from the realization of their political needs of a particular political party, ability to realize them, and through it — and its candidates.

During this period, political parties, as well as the whole society, in 1995, supported the initiative of the Assembly of Peoples of Kazakhstan to extend the powers of the President of Kazakhstan Nursultan Nazarbaev, and the adoption of the new Constitution of the country, demonstrating unity in support of the strategic direction of development of Kazakhstan as a secular, legal, democratic and the welfare state.

Constitutional recognition of freedom of association, prohibition of restriction of rights and freedoms for political reasons, providing equal legal opportunities to public associations in 1995 ensured the real political and ideological pluralism, real multiparty system.

The impact of these principles great not only for parties, but also spreads wider — the very public policy on democratization of Kazakh society.

Thus, in the political system of the country there is a new political atmosphere. Get out from the shackles of command-administrative system, freed from ideological coloration, from the definition of «Soviet» and «Socialist» before Kazakhstan opened a real prospect of building politically and economically independent state and its entry into the world community. And this step was the strengthening of the political system.

Kazakhstan passed the difficult way from 1991 to 1997 — with the method of trial and error and achievements. Reforming the political system objectively contributed to the formation of real political independence, strengthening the authority of the republic in the international arena. Kazakhstan is unconditionally on the path of democratic change today. Within a short period it was possible to strengthen and develop political, economic system and statehood of the Republic, to achieve recognition in the international arena.

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Көп партиялық егеменді Қазақстанның саяси жүйесінің қалыптасуының негізі ретінде

Мақалада Қазақстан Республикасының саяси жүйесінің кейбір мәселелері, сонымен қатар көп партиялықтың қалыптасу кезеңдері қарастырылды. Партиялардың жағдайы мемлекетте бірнеше нормативтік-құқықтық актілермен анықталады. Біздің қоғамдағы заңнамалардың және тәжірибелік мәселелерді шешуде саяси партиялардың құқықтық мәртебесінің ғылыми зерттеуі үлкен маңызға ие. Зерттеу тақырыбының өзектілігі — саяси партиялардың құқықтық реттелуі, дамуының басымдылығы және де шетелдік, сонымен қатар отандық құқықтық, саяси ғылымдардың ортақ назарында болуы.

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Многопартийность как основа формирования политической системы суверенного Казахстана

В статье рассмотрены вопросы политической системы Республики Казахстан, в том числе формирование многопартийности. Отмечено, что положение партий в государстве определяется рядом нормативных правовых актов. Определено, что научное исследование правового статуса политических партий имеет большое значение для разрешения практических и законодательных проблем развития данного явления в нашем обществе. Авторами подчеркнуто, что актуальность темы исследования заключена в том, что теоретические и практические проблемы правового регулирования и развития политических партий относятся к числу приоритетных и традиционно находятся в центре внимания как зарубежной, так и отечественной юридической и политической науки.