

## **Essence and Definition of Kazakhstan's Legal**

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### **Abstract**

The article considers the issues of essence and definition of Kazakhstani legal policy, which are still unexplored in sociological and political literature. The article discusses new approaches, assessments and solutions of the socio-political problems of the essence and the definition of the legal policy of the Republic of Kazakhstan. The article notes that the most significant theoretical issue regarding the socio-political study of the essence and determination of the legal policy of the Republic of Kazakhstan include: understanding of politics as a generic basis for the formation of Kazakhstan's legal policy; identification of the functioning of Kazakhstani law as the most important condition and the essential basis for the formation of a scientifically sound legal policy of the country, the study of the mechanism of interaction between politics and law, their mutual penetration into each other and under a new buzz of vision, the identification of the political content of law and the legal content of politics in Kazakhstan; scientific analysis of the role of legal policy of Kazakhstan in the formation and development of the rule-of-law state and civil society in the country; ensuring the rights and freedoms of Kazakhstanis, strengthening their guarantees as a factor in social and political stability and the unifying role of all layers of Kazakhstani society. Kazakhstan legal policy is an activity based on the unity of politics and law, conceptually formulated political and legal ideas of a strategic and tactical nature, that is, such doctrines that determine the direction of development of the country, strengthen legality and order, the formation of a rule-of-law state and high legal culture of society and the individual. At the same time, the article focuses on discussion issues.

**Keywords:** politics, law, democracy, state, society, civil society, rule-of-law state, essence, definition, regulation, rights, freedom, equality, power, norm, value, law, justice.

### **Introduction**

As you know, each of the researchers of the problem of legal policy draws attention to the facets, signs, traits, various aspects of this problem that are of personal interest. In this regard, we note that we are interested in the socio-political problems of the essence and the definition of Kazakhstani legal policy. It should be noted that the issues of essence and

definition of Kazakhstani legal policy have not yet been the subject of independent research in socio-political science.

The question of the essence of the legal policy of the Republic of Kazakhstan is a question of which social and political phenomena this kind of policy belongs to. Without its decision, the definition of the concept of Kazakhstani legal policy is unthinkable. The answer to the question allows us significantly, deeper come closer to understanding the desired concept, because it makes it possible to distinguish legal policy from related phenomena. At the same time, it will not be an exaggeration to note that Kazakhstan's legal policy is a unique, political phenomenon. Its exclusivity, politicism consists, first of all, in an objective simultaneous belonging to the law and the politics of Kazakhstan.

In this regard, it should be noted that the politics and law of Kazakhstan at all times were so closely intertwined with each other that as a result of this interaction a phenomenon such as Kazakhstani legal policy appeared.

The concept of "legal policy" is used in social and political science in various meanings. This is determined by both objective and subjective factors. And, as a natural consequence of this, there are different interpretations of the concept of "legal policy". Moreover, in scientific papers there are various approaches to understanding the essence of the legal policy of the Republic of Kazakhstan.

The fundamental changes in the political, economic, social, legal, spiritual, and other spheres that took place in Kazakhstan at the end of the 20th century, the adoption of a course towards building a legal, social state, predetermined the conclusion that under the new conditions any kind of state policy should be legal ([Republic of Kazakhstan, 2009](#)). At the same time, it was understood that, in addition to specific types of policies, a unified national legal policy should be formed as a reliable and effective means, based on which, it would be possible to carry out the planned transformations, modernization in Kazakhstan. In this regard, in order to correctly understand and comprehend the role of this policy in the socio-legal and political life of Kazakhstani society, an in-depth review of theoretical aspects and the identification of the possibilities of its formation and functioning in the new Kazakhstani realities are necessary.

The most significant theoretical issues relating to socio-political research of the legal policy of the Republic of Kazakhstan include: understanding of politics as a generic basis for the formation of Kazakhstan's legal policy; the identification of the functioning of law as the most important condition and the essential basis for the formation of a scientifically sound legal policy of the country; studying the mechanism of interaction between politics and law, their interpenetration with each other and identifying the political content of law and the legal content of politics in Kazakhstan from a new vision angle; scientific analysis of the role of legal policy of Kazakhstan in the formation and development of the rule-of-law state and civil society in the country; ensuring the rights and freedoms of Kazakhstanis, strengthening their guarantees as a factor in socio-political stability and the unifying role of all layers of Kazakhstani society.

From this perspective, the legal policy of the Republic of Kazakhstan stands: firstly, as a conceptual legal basis for the activities of the state, aimed at the political and legal development of society, the development of a mechanism for political and legal regulation, as the penetration of law into politics in order to give the latter legal status. Moreover, the main thing is that the policy itself not only does not impede this, but also creates favorable conditions and demonstrates the corresponding political will; secondly, as a kind of social practice, a peculiar

phenomenon of legal reality, a set of political and legal measures carried out through the action of the law on its application in specific areas and types of policies, as a guaranteed achievement of the strategic goals and tactical tasks of the Kazakhstani state; thirdly, the corresponding impact on Kazakhstan's policy, which does not allow it to go beyond the legal framework.

Consequently, the meaning of the legal policy of the Republic of Kazakhstan is to, on the one hand, "force" Kazakhstan law as a static phenomenon to more actively and purposefully "work" for Kazakhstan society, and on the other, to widely use social, national values of Kazakhstan's policy and at the same time "keep" it within the boundaries of the legal and moral field. It is from this vision angle that the theoretical and methodological aspects of the legal policy of the Republic of Kazakhstan are subjected to scientific analysis in the study.

In this context, we focus on the fact that the legal policy of the Republic of Kazakhstan "owes its origin to politics" (Rybakov O. Yu., 2017). In this regard, it should be said that there are various approaches to the definition of politics.

For example, from a socio-political point of view, politics is the activity of individuals, social groups and peoples related to relations regarding the conquest, retention and use of power in order to realize their interests, etc.

In this regard, it should be noted that researchers traditionally disagree on the correlation of politics and law: from the rule of law to the complete subordination of it to politics. At the same time, law is considered as a result of the activity of state authorities. Gradually, in Kazakhstani society, new ideas about the law should be formed, according to which it will be considered not only as a result of the activity of state power, but also as an indispensable basis for building and successfully functioning this policy itself.

Therefore, that any reasonable policy of the Republic of Kazakhstan should be legal in principle, that is, be developed and implemented on the basis of legal norms and rules.

Therefore, the purpose of Kazakhstan's legal policy at the current stage of development, mainly, is to continue and give a modern sound, a new breath to the liberal direction of Kazakhstan's public thought, which is in line with advanced world liberal views.

Among the important aspects that allow characterizing Kazakhstani law as the core of the legal policy of the Republic of Kazakhstan, one can attribute the fact that the development of knowledge about this object occurs, on the one hand, under the influence of the instrumentalization of this process, which is considered as the basis for ensuring political and legal activity, and the other is the installation that considers knowledge as a means of rationalizing law in Kazakhstan. This is extremely important for understanding the problems of theory and practice of the legal policy of the Republic of Kazakhstan, since it is associated with the search for new ways and forms of influence on political power, reinforced by the ideas of synergetics, structuralism, a systematic approach, etc.

Characterizing the policy of the Republic of Kazakhstan, one can distinguish its following features, traits, as the existence of power hierarchical relations, the center of which is the state, institutionalization and its implementation in most cases on a professional basis. This consideration brings some clarity, sharpness and allows us to conclude that any political action of Kazakhstan should be purposeful, and the very meaning of politics is to achieve relatively long-term goals. In this case, there is no "invisible hand of the market", there is no spontaneous mechanism for resolving emerging problems in the country.

A scientific analysis of Kazakhstani politics shows that it depends on a wide range of socio-political values that have a powerful impact on the political and legal life of society, subordinating it to itself. It follows from this that Kazakhstan's policy constantly needs reliable means of realizing these values. In our opinion, the legal policy of our country can serve as such a means.

In this regard, it is important to consider the most important socio-political values, the understanding of which clarifies the meaning and role of the legal policy of the Republic of Kazakhstan. This can be explained by the following circumstances: firstly, on the value basis, an active attitude of the Kazakhstani citizen to legal policy is formed, expressed in his purposeful actions; secondly, in legal policy, both its actors from the state, and all Kazakhstanis are dealing with a huge variety of reality (informational, ideological, etc.); thirdly, the basis of commitment to a certain political course of the country is also valuable.

Among the socio-political values of Kazakhstan to be considered, first of all, we single out welfare as a criterion for the attitude of an individual, a group to the economic system of Kazakhstani society, characterizing the degree to which this system satisfies their needs. To put it another way, the idea of well-being is determined by the breadth and quality of the needs of Kazakhstanis, people. At the same time, let us turn our attention to differences in the interpretation of the ways to achieve welfare. For example, in liberalism, welfare is seen as the result of an unlimited market exchange of resources, and Marxism presents this as a consequence of the implementation of "compensatory justice", government interference in social relations in order to equalize people's incomes. Meanwhile, it should be emphasized that in the course of the development of Kazakhstani society, the value orientation changes among citizens: the prevailing attention to material well-being gives way to concern for the quality of life of the population.

Another socio-political value that is directly related to the legal policy of the Republic of Kazakhstan is security (physical, economic, national, environmental, international, etc.), defined as the absence of a threat to life, as well as the main attributes of Kazakhstan as human existence, such as security, preservation of the basic life values.

Security is considered a key factor in the system of socio-political values of Kazakhstan, because the meaning is lost both in freedom and in welfare, if there are no guarantees for the security of the individual, Kazakhstani.

The most appropriate functioning of all the links of Kazakhstani society, a harmonious relationship between them, suggesting the availability of effective means and guarantees of maintaining security in society, ensuring a high degree of independence, is defined as order. This value should be taken into account when forming and implementing the legal policy of the Republic of Kazakhstan, as it expresses the idea of internal law-making, structuredness, regulation of the living space, its resistance to transient influences, impacts. The most important attributes of the order are laws, restrictions, legal acts ([Aliyarov E.K., Ayupova Z.K., 2016](#)), constancy, regularity, etc.

With regard to the subject of our study, we note that the legal order in Kazakhstan exists only where it is recognized that society, regardless of the state, has the means and sanctions necessary to bring an individual to recognition and observance of moral norms and rules that are generally cultural, universal in their origin. ([Absattarov G.R., 2019](#)). If the order is absent, then this turns into a threat to the Kazakhstani, human existence. In this case, a "zone of irresponsibility" is dangerous for the social organism of Kazakhstan, where everything is

permitted, but for the majority nothing is impossible; there is everything but nothing is available; everything is protected by law, but nothing is really protected. In such a case, only one value, only one need begins to dominate in the minds of Kazakhstani people: order and protection.

It should be said that the capacious and widespread socio-political value of Kazakhstan is justice. Neither political documents, nor laws of any level in the country can do without this value. Its main components, in our opinion, are: compliance with the highest criteria; equal right to freedom, coupled with the smoothing of social and economic inequality; wealth growth; not a denial of human, socio-ethnic differences, but, on the contrary, recognition, attention and adaptation to them.

Equality in Kazakhstan as a common political value expresses the degree of accessibility of core values for Kazakhstanis, and their distribution is the main purpose of Kazakhstani political power ([Republic of Kazakhstan, 1995](#)). The degree of exposure of this value on the political, national and legal processes of the country is extremely high. In the interpretation of equality in Kazakhstan, such substantial characteristics as full equality are distinguished, although its unattainability is visible; property equality, equal opportunities, the equal attitude of the government towards citizens in the allocation of resources, equality of rights, the normative expression of which is the law. It means equal opportunities for all Kazakhstanis to appeal to the state to protect their life, dignity, reputation, property, other civil and political rights, freedoms, etc.

An important political value of Kazakhstan is legitimacy. It is defined as the ability and willingness of participants in political and legal relations in Kazakhstan to follow certain rules and fixed obligations, as well as the acceptance of political power by those people to whom it applies. The recognition of the political and legal order as legitimate results in the voluntary submission of citizens to the laws and regulations of the Kazakh government, their assessment as fair, morally justified and acceptable. The substantive side of legitimacy in Kazakhstan consists of: separation of powers, popular sovereignty, i.e. all fullness of power belongs to all people, ethnic groups living in Kazakhstani society; an elected representative office that determines the ability of the Kazakh people to influence the processes of formation of government bodies; change of power and pluralism. The last one recognizes in Kazakhstani society the presence of social, cultural, economic and political diversity, i.e. the presence of multiple interests and their compatibility.

Legality is the next political value of Kazakhstan, also directly related to the legal policy of our state and representing the ability and desire of all participants in political and legal relations to act within the limits established by the Kazakh state, the willingness to take on certain obligations and not violate them. It is important to emphasize here that the rule of law in Kazakhstan reflects the most important feature of politics - the obligatory integration of legal relations into it, the reciprocity of politics and law. That is what allowed B.S. Zhusipov to consider legality as a principle of combating negative factors in the social and political life of Kazakhstani society. The refusal of the political power holders from this principle breaks the streamlining of public relations in Kazakhstan, determines the inefficiency and unacceptability of such power for our society, and strengthens its destructive potential. Political power, not limited by law and morality, turns out to be ineffective and undesirable, devoid of a valuable meaning and simply dangerous for Kazakhstanis and society.

It is through the legal mechanism, through the acquisition of the characteristics of the law, that the socio-political values of Kazakhstan pass into the norms sanctioned by the Kazakh

state, giving them the highest political authority, rules of conduct, ways of resolving social, national-political, religious contradictions that are not negative for Kazakhstani society. Consequently, Kazakhstani norms and acts acquire directive qualities, are equipped with a clear implementation mechanism, are provided with sanctions, determine the scope of action, and establish liability limits for violation of their requirements. It is important to emphasize that if the socio-political values of Kazakhstan in their social role are closer to ideals, then norms - laws are directly included in the management toolkit. It is in this quality that the laws and other regulatory legal acts of Kazakhstan are necessary for the implementation of the legal policy of our state.

Freedom is a highly valued value in Kazakhstani politics and society (Iskakova G. K., 2003), its realization as a goal is the basis of the formation of many political movements. It is certainly reflected in the formation of the legal policy of the Republic of Kazakhstan. Freedom reflects the Kazakhstani ability to act in accordance with his own choice of interests and needs. Freedom in Kazakhstani politics is identified with the possibility of diversity and growth, the full use of subjective rights and legal duties. It turns out to be a key factor in the implementation of many other values of Kazakhstan, influencing their content and semantic load. In the course of the political and legal development of the republic, the meaning of this value becomes wider, spreading to all new aspects of the country's social life.

In this regard, it should be said that it is important and necessary to characterize the special political value of Kazakhstan, called the power. Its essential characteristics are: the ability to achieve other values (K.Deutsch); the possibility of realizing one's own will (M.Weber); distribution of social values (D.Istok); capable legality (V.Solovyov), etc.

Since the power in Kazakhstan is associated with the implementation of the function of streamlining social relations, then formalizing, structuring the relations of interests in Kazakhstani society, it inevitably participates in the selection of various opportunities, tendencies of life, and gives rise to many subjective relations. At the same time, we note that the value of the Kazakhstan's power as an ordering factor is far from unambiguous, since it can carry out its tasks both through harmonization and through unlawful repression, rejecting all other interests except the interests of the ruling one. Therefore, it is natural, normal to have in its arsenal such a political tool for the realization of its goals as the legal policy of the Republic of Kazakhstan. The transformation of the Kazakhstan's power into a self-sufficient value or goal, subordinating itself to all other interests of the Kazakhstani people, forms the type of "authoritarian", "growing" power.

As you can see, the dynamics and orientation of the considered above socio-political values in Kazakhstan reflects the most important trends in the development of political theory and practice, in connection with which there is a growing understanding of the role of these values for Kazakhstan's legal policy, enriching the content, having a significant impact on its effectiveness. For example, their knowledge and comprehension helps Kazakhstanis more clearly present the human subjective side of politics itself, which science has not yet developed well, and on this basis to understand and determine the motives, goals and means of Kazakhstani legal policy, the role of actors involved in its formation and implementation.

A study of the socio-political problems of the legal policy of the Republic of Kazakhstan cannot do without clarifying the mechanism of political action. In this mechanism, the definition of the goal is in the first place, since it concentrates all the components of a political action, and one of the many options for possible actions is selected. As noted in the scientific literature, the goal gives direction to the action, serves as its law, model, norm (Malko A.V., Subachev V.V., Sheriev A.M., 2010). The rationality in Kazakhstan, carried out for the purpose

of choice is determined by: firstly, the realism of foresight; secondly, obtaining complete knowledge about the consequences of the actions taken; thirdly, the completeness of the assessment of resources available to subjects; the possibility of using a variety of means.

In addition, the goal of Kazakhstan should meet such qualities as concreteness and realism, where all the circumstances of the proposed actions and the possibility of their implementation in the most complete form and within an acceptable time frame are taken into account. Non-compliance with these criteria, separation from real circumstances makes the goal abstract, turn it into a dream and ideal. Without diminishing the role of the latter as a regulator of political action, influencing the formation of goals and the choice of means of legal policy of the Republic of Kazakhstan, it seems important to emphasize that when it is introduced into the process of legal and political action instead of a goal, it sharply reduces its effectiveness, since it assumes a plurality of ways to achieve it, the choice of new goals and means that dooms actions to stomping on the spot.

Finally, the goal of the Republic of Kazakhstan cannot be absolute or unchanged; in the course of its implementation, new circumstances arise that require the introduction of appropriate changes, adjustments. As you know, this is because there are no individuals who have truth, who need to be given power in order for a true, good, just peace to be realized. There are no such personalities, we all go through trial, fallacy and error. It should also be noted that the goals and socio-political values of Kazakhstan in the course of interaction and mutual influence do not replace each other, since they have different purposes in the process of implementing political and legal activities. For example, Kazakhstan's goal, directing attention and effort into the future, bears the pressure of current circumstances, while Kazakhstan's socio-political value introduces the criterion of desirability and subjective preference in the formation of both the goal itself and the choice of means for its implementation.

In this regard, it should be said that the concept of "tool" in our study is one of the important, therefore, it should be given appropriate attention. Here we should note that the "tool" refers to the ways and means of achieving goals, all that the subject uses in the movement to the result, it is a mechanism for bringing reality into line with the chosen goals. It is the tools that determine the result, and their absence makes the goal unattainable. We emphasize that the specifics of the tools used in the legal policy of the Republic of Kazakhstan mainly appears as a normative component in them, it means that in practice they represent stable rules of behavior. It is in the norms that the transition from goals to tools is carried out, or in accordance with them the selection of other acceptable means takes place.

Since the tasks that are solved by the legal policy of the Republic of Kazakhstan has huge amount and diverse in nature, the range of used tools can be just as wide. As the practice of the CIS shows, if the used tools do not meet the purpose of the legal policy, then the consequences can be devastating, tragic.

As you know, in politics, tools can be tough, aimed at quickly obtaining the desired result, requiring significant strain of human capabilities and soft, moderate, using intermediate forms that do not cause sharp contradictions, conflicts. In this case, the objective of the legal policy of the Republic of Kazakhstan is to prevent political extremism, terrorism, i.e., extreme harsh means of political activity, where analysis and compromises are not replaced by all sorts of prohibitions and voluntarism, dictatorships and repressions, etc.

It should be said that any element of Kazakhstan's policy in general and legal in particular, is associated with political power, which implies force as its component. It is understood,

firstly, as diverse foundations of political and legal action (economic, military, moral, etc.); secondly, as use of methods such as pressure or influence. Since force is associated with political power, it constantly uses such a tool as coercion. At the same time, force is widely used in Kazakhstan's politics, also as military power, as well as mass actions of the state for various purposes. Therefore, the force in the political power of Kazakhstan serves as an effective, although not an absolute tool of solving political problems, achieving goals. Great issues in the life of states and people "are solved only by force" (Aleksandrov I.P., 2019). At the same time, much depends not only on force, but also on factors such as culture, morality, education, science, traditions, experience, etc. Nevertheless, a complete rejection of forceful influence is not justified, as it limits the possibilities of power intervention and makes one refrain from many effective tools of resolving political problems. This is clearly seen in the example of Kyrgyzstan.

It must be borne in mind that the specifics of the policy, including the legal one, is that it is impossible to take into account all the circumstances and possibilities of the activity, to anticipate its results. Here you always need to be prepared for the most unexpected consequences, including very unfavorable ones. However, the peculiarity of Kazakhstan's legal policy is that it is legal in nature, that is, it acts not only on the basis of law, or in the scope of its operation, but can also limit the arbitrariness of the authorities. Therefore, if it is formed on a scientifically based methodology, it will be more regulated, predictable than other types of policies.

Describing politics as the theoretical basis of the legal policy of the Republic of Kazakhstan, we conclude that the latter is a complex object of study. In particular, that it has many subjects, many conflicting trends, the role of human preferences, factors and influences is great. Therefore, in assessing the array of cognitive information in Kazakhstan, it is necessary to highlight the events that have the greatest significance among others, determine their value, political benefit and know the truth, i.e. whether knowledge and actions are confirmed by practice. For this, it is advisable to use specific criteria: instrumentalism - the ability to develop and define goals, search for acceptable ways and means of their implementation, influence the change in the direction of behavior of a large number of Kazakhstani people, ethnics; accuracy, clarity of reflection of the actual condition of the situation in Kazakhstan, in which imperious political action is carried out; ability to use and transmit information.

Speaking about the theoretical and conceptual foundations of the study of Kazakhstani legal policy, one cannot help but see the importance, a deeper understanding of its essence, since the completeness and complexity of this reality is realized only with the active use of various methods and cognitive techniques. In this regard, it should be noted that the main attention of most researchers focused on the objective side of the cognizable subject: the interaction of state bodies, a description of various types of legal policy, forms of its implementation, assessment of effectiveness and optimality in various fields. In other words, the objective parameters of the legal policy of the Republic of Kazakhstan and, first of all, the results of actions appeared in sight. But Kazakhstan's policy, including its legal part, is created not only by actions, but also by words. Therefore, we note that the Kazakhstani legal policy is that reality, which is formed both from facts to be studied, investigated by objective, scientific methods of cognition, and from knowledge and meanings that appear during the interaction of its subjects, and therefore requires the use, along with established methods and techniques, comprehension of the inner world, acting in the creators of this policy.

It seems to us that in order to build a theory of the legal policy of the Republic of Kazakhstan, a scientific justification for its general theoretical aspects, we need support on a

truly scientific theory of knowledge of law, which ideally should be a system of objectively true knowledge and consistently reflect the general laws of formation and functioning of Kazakhstan law in the form of concepts, scientific laws, principles and other theoretical knowledge.

In this regard, we emphasize that the scientific analysis of the legal knowledge of Kazakhstan requires objectivity and scientific validity. Otherwise, we are unlikely to follow the path of knowing the truth, reality.

In our case, legal knowledge: firstly, is the most important condition for the formation of a scientifically validated Kazakhstani legal policy of the rule-of-law state; secondly, it allows us to answer many pressing questions regarding the implementation of reforms in Kazakhstan. In other words, legal knowledge should form the basis of a sociopolitical study of the not yet sufficiently developed concept of “legal policy of the Republic of Kazakhstan,” which, in turn, can find its rightful place among the general concepts of social science, the theory of state and law, and other sciences. In addition, legal knowledge has its own practical side, realizing itself in a scientifically validated Kazakhstani legal policy.

It should be said that knowledge of the essential characteristics of Kazakhstani law plays an important role in substantiating the theoretical and conceptual foundations of sociopolitical research of the legal policy of the Republic of Kazakhstan. However, the existence of many theories and various approaches to legal knowledge today, unfortunately, inhibits the formation of a scientifically validated legal policy in Kazakhstan. Today, the matter is complicated by the fact that in a number of cases insufficiently reasoned meanings and concepts claim to be either “fundamental principles of legal policy”, or its synthesis, etc.

When forming the strategy of the legal policy of the Republic of Kazakhstan, it is also important that behind the beautiful words “freedom” and “equality” one can discern the meaning and clear understanding of whose will and whose interests the formed Kazakhstani legal policy will express: the people, its separated part, majority or minority, oligarchs, organized crime, etc. Are the interests of the ruling elite at odds with the interests of the people, the country, and how the balance of interests of the authorities, society and the individual are taken into account. The experience of Kazakhstan confirms that the will, although not directly, but through a complex system of social connections and interactions, is nevertheless determined by the material basis. Therefore, these issues should also be considered when studying legal policy.

When choosing an approach or theory to rely on when developing the theoretical and conceptual foundations of the legal policy of the Republic of Kazakhstan, it seems to us that it is necessary to take into account the extent to which it is a truly scientific theory of cognition of Kazakhstani law - as a system of scientific knowledge that clearly reflects the laws of functioning Kazakhstan law, and the form of Kazakhstan law is not opposed to its essence. In this regard, some theories cannot be overestimated, others underestimated, and others deliberately distorted. Therefore, you need to understand: firstly, to what extent theories are “hostile” on ideological grounds to the detriment of the development of their scientific principles; secondly, whether they can “coexist” independently of each other; thirdly, whether they tend to converge, to their “convergence”; fourthly, whether theories have a common, stable one, so that, using their conclusions, one can confidently predict the future, justify ways to achieve the goals and objectives set by the policy.

When developing the theoretical foundations of the legal policy of the Republic of

Kazakhstan, it is also necessary to take into account the fact that, in the interests of political expediency, a deliberate distortion of such a version of the knowledge of law can be carried out, which is based on the dialectical method of knowing reality. Today, dialectics is recognized only at the level of the universal method of cognition, but denied at the level of true reality. However, in addition to abstract universality, there is real life, including the legal life of Kazakhstani society and the national security of the country (Zhusipov B.S., 2010).

Subjecting scientific analysis to the theoretical foundations of the formation of the legal policy of the Republic of Kazakhstan, it is important to emphasize that the close and inextricable connection of state and legal phenomena creates favorable opportunities for legal regulation of such socio-political institutions, which are stable entities and express the interests of certain public groups. In this case, Kazakhstan law, together with administrative, organizational and other measures and means, is actively used as an important tool for managing and achieving particular results. At the same time, if in the implementation of the Kazakhstani policy attempts are made to use repressive, punitive levers of influence on society, then Kazakhstani law, presented as the country's legal policy, should resist the use of such means. Otherwise, it either contradicts the general concepts of what is due and reasonable, or does not affect these areas of public relations.

In this regard, it is extremely important to take into account under which political regime conditions the Kazakhstan law policy is formed and implemented. For example, the distribution processes of Kazakhstan can be wrapped in a normative shell even under an authoritarian regime, but in a rule-of-law state, where a scientifically proven legal policy is in force, these processes can be carried out according to other rules without gross interference by government bodies, in compliance with the principles of legality and justice. In other words, if Kazakhstani law is considered as a means of politics, but at the same time it is under political pressure as a way of securing political power, then in such a political regime the term “legal policy” cannot be applied, and, of course, loses its meaning. Consequently, under a democratic regime, Kazakhstani law cannot be regarded only as a means of politics, it is at the same time a means of influencing politics itself, and the state is less and less claiming the role of an absolute lawmaker. As we see, the conditions under which the Kazakhstani legal policy is formed and applied are of paramount importance.

From our positions, the arguments presented above strengthen the need in Kazakhstani society for understanding the problems of interaction of legal, political and other phenomena and processes, i.e. in a deeper understanding of what is subject to regulation by political, administrative, organizational and other measures and means, and what is legal. In this regard, the need to study the theoretical and methodological problems of the legal policy of the Republic of Kazakhstan is being updated (Prof. Dr. R. Absattarow, Prof. Dr. J. Rau. 2012). Therefore, in this article, we study the part of the state policy of Kazakhstan, which under certain conditions becomes the owner of special properties and is defined by socio-political science as Kazakhstani legal policy, which needs a sociological, political, philosophical and legal analysis of its essential characteristics.

In this regard, we note that based on important theoretical provisions, we can distinguish the legal policy of the Republic of Kazakhstan from the areas of politics. In this capacity, it can be represented, firstly, as a “part” of Kazakhstan’s national policy related to the clear establishment of rules, for example, in tax, budgetary and other spheres, where complex of economic problems are regulated, which are of particular relevance, requiring operational intervention and scientific-reasonable lawmaking. Secondly, Kazakhstani legal policy is a large and all-pervasive layer of the political sphere, associated with the targeted distribution of the

norms of Kazakhstani law in certain areas of public life in Kazakhstan. An important prerequisite for this is the tradition of interpreting it as deeply rooted in Kazakh law as a phenomenon based on a powerful moral, cultural, religious foundation in the exercise of its ordering function in Kazakhstani society. Otherwise, it may not be support, but the seizure by the law of the field of action of morality, traditions, customs, religion, corporate norms, etc. This tendency is fraught with considerable danger, since excessive expansion of the subject of legal influence, or excessive detailing of regulation of public life in Kazakhstan may conflict with the principles of the rule-of-law state. It seems to us that the actions of the state policy of Kazakhstan aimed at destroying the legal system, no matter how "bad" it is, cannot meet the requirements of a democratic state. Such actions should be based only on law. Under normal conditions, it is unacceptable that the state with one hand enshrines the right in law, and with the other - destroys it. Unfortunately, Kazakhstani practice shows that the share of subjectivity in politics is still quite high. Therefore, the legal policy of the Republic of Kazakhstan should strive to limit the borders of public authority so that Kazakhstani society does not suffer from the struggle of two trends: firstly, when the interests of society dictate the need for a reasonable self-restraint of power; secondly, when there is a foolish desire to strengthen power and even to authoritarian domination. But regardless of which of the indicated tendencies prevails, in all cases the antipode of the legal policy of the Republic of Kazakhstan can be considered an anti-legal policy, which is not based on law and contradicts the legal norms in force in Kazakhstan society.

However, in the history of Kazakhstani society before independence there were many examples when the role of law was not always progressive, when the interests of the minority and the people were infringed by legal means. Therefore, depending on how Kazakhstan law interacts with other social regulators, whose interests it expresses and how it is realized, it can play a neutral, progressive or reactionary role. The point is that in some cases, the norms of customary law of the country can give Kazakhstani society an excessively conservative character, and in others - the desire to "elevate" Kazakhstani society to the height of new laws that are not always and not universally perceived by all - fraught with social tensions etc.

Finally, it seems important to emphasize that in all historical eras many thinkers have tried to clarify the problem - how exactly should the law relate to public authority, since everywhere the law was under its dictate. Only in the twentieth century did the idea that law is a means of control and implementation of politics clearly manifest itself. This provision can be strengthened by the fact that law is a mechanism for exercising legitimate political power, while referring to its managerial and social characteristics: the open and transparent nature of the norms used in law; the variety of sanctions applied under the law, which allows you to choose the most appropriate ways to regulate public life; a clear separation and strict fixation of the rights and obligations of participants in legal relations; the relative stability of legal norms, a small degree of their dependence on arbitrariness and personal qualities of power holders; "One-dimensionality" of the law, which acts as a "universal, equal measure for all." In this regard, the idea that the law is: an instrument of management and the implementation of politics, a means of restricting power by law became popular. As rightly observes K.K.Aitkhozhin "Legal policy is one of the main means of state policy aimed at the implementation of its tasks in the legal sphere of society. As a result, the legal policy reflects the state's vision of the main directions, the basic mechanisms for developing the country's current law system and improving law enforcement measures " (Aitkozhin K.K., 2015). Moreover, only from the point of legal policy is the legitimacy of state power possible both in the world and in Kazakhstan.

It should be said here that knowledge of the basic characteristics of law based on scientific cognition plays an important role in studying the theoretical and conceptual foundations of the legal policy of the Republic of Kazakhstan and can form the basis of the study of this

least developed, but extremely important concept of social science.

The legal policy of the Republic of Kazakhstan as a key concept of domestic socio-political science is a special form of cognitive thinking and is a meaningful, substantive image that reproduces in thinking the objective essence of certain political and legal phenomena and processes in Kazakhstan.

Summing up from all of the above, we can conclude that Kazakhstan's legal policy is an activity based on the unity of politics and law, conceptually formulated political and legal ideas of a strategic and tactical nature, that is, such doctrines that determine the direction of development of the country, strengthen law and order, the formation of legal statehood and the high legal culture of society and the individual. The main parameters of legal policy in Kazakhstani society are set by the fundamental characteristics of general politics and political power. Moreover, it would not be an exaggeration to say that the legal policy of the Republic of Kazakhstan is a unique, political phenomenon. Its exclusivity, politicism lies in the fact that it simultaneously belongs to both law and politics, which are intertwined with each other, that as a result of this interconnection a phenomenon such as legal Kazakhstani (Absattarov G. R., Kim E. S., 2018) and Kazakhstan's legal policy has arisen. The legal policy of the Republic of Kazakhstan essentially expresses the socio-political connection and interaction of the individual, the state and society, and in this capacity such an assessment acts as a general theoretical characteristic of the country's legal policy. And further. The legal policy of the Republic of Kazakhstan essentially acts as an expression, a reflection of the essence of the content and functions of the rule-of-law state. Today it is important that the solution to the pressing problems of the legal policy of the Republic of Kazakhstan as a whole helps to unite and organize a multinational, multi-religious society into a friendly family and social progress, stability of a democratic, rule-of-law state that owns the future.

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