

The Constitutional-Legal Characteristics of Political System of the Kazakhstan Republic

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Abstract: This study deals with the analysis of efficiency of the political system structure in historical-legal aspect; there is subsequently proved the idea, that the content of functions of the state political system at different stages of the state development is subjected to various changes. Its quantity and content can depend on processes of development of statehood, social, political, economical and legal conditions in the country. The article also deals with the general conditions of essence and tendency of the political system of society in the Kazakhstan Republic and presents a conclusion that the state functions and develops in complex interdependent social relations. The authors determine a political system, as a central one in juridical and political sciences, the use of which separates the political life from the rest public life. In its turn, it is thoroughly studied a development process of concepts of state-legal phenomena and policy in whole, conditioned significantly by great deepening of knowledge about the variety of links, the desire to express them in the relevant concept system. The results of this study shall be used in improvement and updating of mechanisms of constitutional-legal regulation of separate political institutes, such as a state, a parliament, a party system, an electoral process, non-governmental associations, local government and others.

[Aitzhan B.E., Suleimanov A.F. **The Constitutional-Legal Characteristics of Political System of the Kazakhstan Republic.** *Life Sci J* 2013;10(11s):211-216] (ISSN:1097-8135). <http://www.lifesciencesite.com>. 37

Keywords: A civil society, a political system, a state, a system of government, a society, corporate (non-governmental) associations, political parties, political institutes, a political regime.

Introduction

For the years of implementation of political, economical and social reforms in formation of political system and scientific understanding of its different aspects, it was done a lot; it made actual the necessity to study the problems of constitutional evolving of the native political system, as an integral part of the whole cognitive process of the modern political-legal reality. It shall be noted, that in scientific law books and other adjacent directions, the study of constitutional and current national legislation, regulating the activity of political institutes and processes was traditionally considered as one of the main trends in the study of constitutional right theory.

In the Soviet state the institute of political system appeared in 1977, when the political system was legislated for the first time in the new Constitution of the USSR [1]. Previously, such notions, as "the system of socialist democracy" [2], "the political organization of class society" [3] were used in scientific and study materials. The problems of political system study attracted attention of the researches much earlier; it became important in preparation of the constitutional provisions for legislation [4].

When studying the problems of the Constitution impact on formation of modern political system of Kazakhstan, it becomes necessary to get more weighted analysis of the social essence and role

of the political system of society and the determination of its main current components [5].

Main part.

The notion "political system" is the central one in juridical and political sciences, its use separates the political life from the rest public life. In its turn, the development of concepts about state-legal phenomena and policy in whole is significantly conditioned by great detailed elaboration, deepening of knowledge about the variety of these links, the desire to express them in the relevant concept system.

It is common knowledge that in the process of evolution of legal and political knowledge, alongside with deep insight of essence, structure and mechanism of political authority, there are accumulated many data on the phenomena, which are related to the political and state life, affect and interact with each other. There are a lot of subjects of these relations: political parties and movements, ways to achieve the political goals, legal and political orientations of population etc. At that, to denote these phenomena, the notion "policy" is generalized, and the category "state" is clearly narrow and does not cover the whole variety of these life realias.

State-legal relations of people are the specific sphere of social existence with its own fundamental regularities, internal, logical interdependencies, sources of development and channels of dependency on the environment. In the

native legal science there was formed a necessity, if not to use the notion more actively for the explanation of political legal phenomena, but, in the extreme case, able to reflect these links and relations, denominated as "the political system of the society".

During the several generations in science, the idea of political system was not highly sought in the soviet constitutional-legal science, as its use had limitations and came down to the analogue of political organization, i.e. its institutional side, or as a propagandist cliché.

At present, it is admitted in scientific community and general public that the political system of the society differs by complexity and variety of structural elements, functional characteristics and interdependencies.

The diversity of approaches and the complexity of the phenomenon under study mainly determine the multiplicity of general definitions of the political system of society. From our point of view, the use of this scientific category is connected with the desire to find the maximum formula, covering the quintessence in the diversity of those political processes, which go by in the life of modern society [6]. Depending on the tasks of study, the most significant characteristics of the system are usually separated; they are taken as a basis of the definition.

To a certain degree, the definition, based on the functional approach, got a wide-spread occurrence in the Soviet literature. Thus, F.M. Burlatsky understood a political system as a "relatively close system, which provides the integration of all elements of the society and its existence itself, as a joint organism, centrally controlled by the political authority, the core of which is represented by the state, expressing the interests of economically dominant classes". Two aspects are highlighted in this definition; they are of principal importance for its revelation and understanding: it is the purpose of the system (integration as a main function) and the class essence of the system, which is identified by pointing out the nature of the state authority [7].

Other authors tried to make a definition on the basis of listing the system functions or elements. Especially it is typical for those researchers, who analyzed the system structure. Thus, V.A. Shubin writes: "The political system of the society, as a unity, is understood as the existing in society political institutes, organizations, theories, standards and ideas of different classes, reflecting and protecting the specific class interests, and also caused by the contact of their relations" [8]. The author attempts to reveal the political system by means of wide list of structural elements. Alongside with that, such list

leaves ambiguous the character of elements interdependencies and the purpose of the system.

These definitions are united by pointing out the social nature. However, if in the first one, the purpose and the role of system are underlined, but the internal structure, specific character and dissimilarity from the other social systems are not touched on, then in the second case, the functional purpose of the system is excluded.

We assume that the complexity of preparation of the general definition of political system was connected with the root contrast of two main types of social systems, existed at that time, when the political system of authority was determined in most cases as a social mechanism of people power.

In the native legal science, the legality of identification of the political system and the mechanism of authority in the socialist society was not disputed. The belief was formed that the lack of antagonistic classes and belonging of authority to industrial classes predetermine the social homogeneity and integrity of the system, inside which there is no place for anti-popular and anti-socialist political institutes.

From our point of view, for the thorough analysis, it is necessary to present a list of definitions, ideologically confirming the functioning of specific political system in the socialist society. For instance, B.N. Topornin considered a political system of the society as a complex of state and social organizations, by means of which the public, headed by the labor class, governs the society [9].

I.P. Ilynsky presents a political system as a complex aggregate of interdependent and interacting means of organizations and functioning of political authority, implementation of political leadership and governance over the socialist society [10]. Another Soviet scientist V.S. Shevchenko determines a political system of the society as an organization of dynamically interacting state and social institutions, which exercise the governance of all affairs of the society, solve economical, social-political and cultural-educational problems of the communist construction [11].

The analysis clearly shows that the Soviet scientists understood the political system as an aggregate of components, through which the governance over the society is executed, as well as the solution of problems of the communist construction, faced by the public. The components included those institutes and bodies, which were the subjects of relations in the country. One of the trends in the studies of Soviet legal thought was the theoretical justification of inability of the political systems in the capitalist countries. M.N. Marchenko,

A.A. Mishin and L.M. Entin criticized the essence of organization of the political system in the bourgeois society.

In the opinion of Soviet scientists, the monopoly of the state authority exercise in the developed capitalist countries belongs to the height of capitalist class, predetermining the class essence and nature of the political system. It was interpreted in the scientific use, that the modern bourgeois society consists of the antagonistic classes - a wage working class and a class of capitalistic proprietors - what makes inevitable the existence of social institutes, opposed to the bourgeois class. At that, it is obvious that the institutes of social opposition are not a part of the mechanism of monopoly dictatorship exercise.

Taking into account this circumstance, Yu.A. Tikhomirov points out the existence of two political subsystems in the developed capitalist countries. He assumes, that "in the wide sense the political organization of capitalist society includes the bourgeois political system and organization of non-bourgeois classes as the subsystems" [12]. The use of notion of political organization in the wide and narrow meanings provides a possibility, in the first case, to cover all, including the opposed ones, political institutes; in the second case, it covers only those, by means of which the ruling class exercises the governance over the society.

M.N. Marchenko provides the circumstantial and detailed presentation of the same position; he assumes that "the political organization of the bourgeois society as a definite integral phenomenon, does not exclude, but, on the contrary, objectively presupposes the existence in its structure such one-order, interdependent with each other, phenomena, institutes and bodies, represented by social-political organizations of the dominant and suppress classes" [13].

The numerous arguments are provided in support of the broad interpretation; the main ones can be narrow down to the fact that the bourgeois society consists of the antagonist classes, the confrontation of which determines the character and nature of the political system of bourgeois society. The political processes in it reflect the confrontation and conflict of interests of different social forces. The integral component is the antipode to the bourgeois class - the labor class. Consequently, the political system of this society, reflecting its social structure, includes the institutes of not only the dominant class, but of his rivals as well.

Alongside with the Marxist concepts about the political system, the non-Marxist concept is of great importance for the deep and all-rounded understanding of essence of this political phenomenon. Despite the significant differences in

evaluations and approaches to analysis of the political system of Marxist and non-Marxist authors, their views coincide in many parameters. The matching is that in the study of political system the multi-variance of its understanding and explanation prevails; the main emphasis is made not on regulative and communicative aspect, but on the institutional one, when the structure is taken as the basis for the study of political system.

In the western political-legal thought, the theory of the political system appeared in the 50s of XX century and continues to develop up until now. We agree with the popular opinion, that the concept ancestor is D. Iston, presented its bases in the book "Political Systems". G. Almond [14] and S. Huntington [15] also influenced significantly on the process of formation and development of the theory of political system in the western political science.

Development of the theory of political system, equally, as well as the similar doctrines, appeared in the post-war period, were caused by the demand in creation of new efficient theories, more adjusted to the varying conditions. However, among these western researchers there is no single concept of the political system. There are several approaches and renderings in the definition of political system, each of which reflects different trends of western constitutional-legal and political science.

The analysis states that the general theoretical views of D. Iston [16] about the political system are based on the ideas and views about it, as one of the varieties of (ecological, biological, psychological, physical, social and other) systems, existing within the limits of one or another country and forming, if taken together, the external environment. Considering a political system as one-order (according to systemacity), interdependent and compatible with other adjacent systems phenomenon, D. Iston points out, that the political system differs significantly from all other adjacent systems.

The main differential property is an interaction system, emerging between different subjects of political relations and between citizens, possessing the unique capacity for authoritarian distribution of values of the society.

The political system, in the opinion of D. Iston, represents "a single and continuous flow of behavior", deeds of subjects of political relations, connected with making of decisions, eligible for the majority of members of society, about the distribution of material and other benefits. In an attempt to emphasize the domineering character of the political system and its ability to make authoritarian decisions, they call the political system as "a decision-making machine". At that, they insist, from the traditional for western political-legal science

of "extra class" positions, that such political system-machine can exist not only in class society, but in any other society as well, where people have common problems, cooperate with each other or are in conflict with one another during their solution [17]. G. Almond includes to the content of political system of society various elements, emerging and functioning based on the current law of "structure of a parliament type, executive-administrative bodies, bureaucracy, courts, parties, pressure groups and communication mediums", and on the other hand, "imperceptible" or hardly distinguishable "structures", such as relationship of elements, status of citizens and organizations, caste ridden groups, appearing in the society of disorders, demonstrations etc. [18]. Scientific notations of D.Iston and Almond views coincide to some degree. In our opinion, the identity consists in obvious undervaluation by theorists of specific institutes, existing in the structure of political system, as well as in unfounded overvaluation of importance, investigated as something individual, combined with connections, relations, actions, interactions and roles of different institutes. Undervaluation of actual role and social purpose of specific institutes in the political system of the society manifests itself in the fact, that, when considering the structure of political system, western scientists pass over the state in silence, as one of the most important structural elements of the political system among the other political phenomena, institutes and establishments, such as pressure groups and parties.

Theoretical-legal science and the science of constitutional right, using the concrete historical approach in the study of political system of the society, always connect its emergence and functioning with layers, groups and classes, existing in the society, as well as with goals and tasks, appearing in the activity of different political institutes. Disregard of nature and its separate elements of the political system, and advancement in the study of the political system, not investigation of one or another institutes, including the state, but consideration of abstractly understandable relations, actions and interactions, is nothing more that the expression of idealism in politology and legal science. We assume that without deep analysis of social-class organization, the study of the civil society is basically impossible. In scientific literature the analysis of class essence of the state is groundlessly buried in oblivion, as the Marxist concept, in their opinion, does not have any bases; it is a certain throwback to the totalitarian past. In modern post-Soviet politological thought, the western "non-class" position of defining the essence of the political system is widely spread. As per the

understanding of A.I. Demidov, the category "political system" brings a principle of multifactorial dependence into the political analysis; it means that, alongside with economic factors, in some situations and processes, the political events and institutes depend on the cultural environment, within the frames of which they develop, as well as on traditions, natural dependencies and structure of values, dominating in the society. A system analysis of the political life is judged by the acknowledgement of variety of dependencies and functions of political system, narrowed down not only to the idea of class society. This author presents a political system as "an aggregate of interacting norms, ideas and based on them political institutes and actions, organizing the political authority, the interrelation of citizens and state" [19].

For instance, Kazakhstani politologists enclose to the notion of "political system" the whole complex of interdependent and interacting political organizations and establishments, which provide the power and control in this society" [20]. In the enumeration of components of the political system, the scientists traditionally include the political institutions, relations, political and legal norms, political and legal culture.

Let us consider the legal interpretation of the notion "political system". In modern legal science the political system is studied not so wide, as in politology; it is conditioned by two circumstances. There are the peculiarities of subject of state and law theory and science of constitutional right, which determine the specially controlled investigation of problems of political system, juristically drawing the attention to the problems of state and right. That is why the relations of state with other elements of the political system of society are analyzed here. These interrelations, expressed in constitutional legislation, are mediated by the constitutional law.

In the science of constitutional law and politology, when considering the problems of political system of the society, the system approach is used differently, what determines the specific character of the juridical and politological problems.

In constitutional-legal investigations, the use of system approach presupposes the analysis of each element and the character of interrelations between them, what refers to the system of State agencies, which consists of bodies, different in order of formation, importance, structure and competence. This approach is also called as structural-functional, and it is used in juridical case studies of the political system of the society. In politological studies there is used the structural-functional and wider system approach, when not only the internal structure of the

system is investigated, but its connections with environment.

In the proper juridical definition of the political system in modern legal science, there is no full consensus, because of many-sidedness of this phenomenon, allowing to use the achievements of other social sciences during its investigation.

Conclusion

Thus, as applied to the general-theoretical and constitutionally-legal sciences, it is possible to introduce a notion of political system of the society, as constitutionally entrenched unity of norms, ideas, interacting with each other, and based on them political institutes and actions, forming the political authority and providing the interconnection of citizens with the state.

The political system of modern Kazakhstani society facilitates the internal and foreign policy, forms and expresses the interests of social layers of our country. It represents an essential position, supporting the authority, which exists in the country. It is expectedly, that the genesis of the political system is connected with the number of essential features, acquired by the political relationships, namely:

- Stable interdependence of different elements of political life;
- Ordering of political relationships, presence of optimal combination of stability and development. The importance of ordering in the society is determined as a condition for the purposeful change of social relations;
- The political system has a cultural foundation of common values, the aggregate of political beliefs. The unity and integration in the sphere of policy are possible if the spiritual liaison is present. The historical experience shows that the political systems, able to long-term stable existence, always have such values.
- The reaction of elements to external impact is typical of the political system, as the capability of the political system for fast mobilization of the required resources for problem solution comes from cooperation. In this case, the governments bodies are based on the citizen participation receive support from different political and social organizations and parties.

We also assume that the essence of political system is revealed by means of the implemented functions: determination of purposes and tasks in the society; resource mobilization for implementation; development of laws, implementation of rules and control over their observation; distribution of material and spiritual values in the society; integration of all elements of the society - classes,

nations, social groups, confessions; formation of political consciousness of people and political socialization, authority legitimization.

Summary.

Thus, the following summary can be made:

- The multivariance of understanding and interpretation prevails in the study of political system; the attention is paid to the institutional level;
- Development of the theory of political system, equally, as well as the similar doctrines, was caused by the demand in creation of new efficient theories;
- In the proper juridical definition of the political system in modern legal science there is no full consensus, because of many-sidedness and complexity of this phenomenon, based on the existing elaborations, the proper interpretation of the concept "political system" is given.
- The essence of political system is expressed in the implemented functions, purposes and tasks in the society; development of laws, implementation of rules and control over their observation; integration of all elements of the society - classes, nations, social groups, confessions; formation of political consciousness of people and political socialization, authority legitimization.
- Different typologies of political systems are formed. The grounded one is the typology, based on the correlation with the political regimes. Procedures, methods and means of the political power exercise influence on the character of the political system organization in the state;
- In the modern theoretical-constitutional science several approaches to the assignment of parties have been formed. The diversity of classification of functions reflects the specific character and assignment of parties. It is possible to point out the main groups of functions, in dependence on the scope of activity of political parties;
- The constitutional-legal status of political parties, non-governmental associations, movements and labor organizations is analyzed.

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16/10/2013