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SRSTI 11.25.91

<https://doi.org/10.51889/2021-4.1728-8940.11>

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RELATIVE UNITY AND DIFFERENCES OF LEGAL AND MORAL NORMS IN KAZAKH SOCIETY: POLITICAL THEORY ASPECTS

Annotation

The article discusses issues of relative unity and difference of legal and moral norms in Kazakh society that have not yet been studied in social and political science. The article examines in more detail the political and moral aspects: the difference of the legal and moral norms of Kazakh society; the relative unity of Kazakh law and morality of the people of Kazakhstan and others. The article states that the relative unity of legal and moral norms in Kazakh society is reflected primarily in the difference of the created ways, the forms of their existence and their guarantees. The rules of law are contained in the legislation, presidential decrees, decrees, statutes, orders and other acts of the organs of the Kazakh State, and the rules of morality are contained in the public conscience. Moral norms are transmitted from generation to generation in the

form of generally accepted notions of good and evil, of nobility and vileness, etc., are imprinted in folk proverbs, legends, in works of art. However, the article also focuses on discussion issues.

Keywords: politics, law, morality, rule, state, society, people, justice, power, unity, difference, relationship, regulation.

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ҚАЗАҚСТАН ҚОҒАМЫНДАҒЫ ҚҰҚЫҚТЫҚ ЖӘНЕ МОРАЛЬДЫҚ НОРМАЛАРДЫҢ САЛЫСТЫРМАЛЫ БІРЛІГІ: САЯСАТТАНУ АСПЕКТІЛЕРІ

Аңдатпа

Мақалада әлеуметтік-саясаттану ғылымында әлі зерттелмеген қазақстандық қоғамдағы құқықтық және моральдық нормалардың салыстырмалы бірлігі мен айырмашылығы туралы мәселелер қарастырылады. Мақалада саяси аспектілер толығырақ қарастырылады: қазақстандық қоғамның құқықтық және моральдық нормаларының айырмашылығы: қазақстандық құқық пен қазақстандық адамдардың моральының салыстырмалы бірлігі және басқалар. Мақалада қазақстандық қоғамдағы құқықтық және моральдық нормалардың салыстырмалы бірлігі, ең алдымен, оларды құру тәсілдерінің, өмір сүру және кепілдік беру формаларының айырмашылығынан көрінеді. Құқық нормалары заңдарда, Президент жарлықтарында, қаулыларда, жарғыларда, бұйрықтарда және Қазақстан мемлекеті органдарының басқа да актілерінде, ал мораль нормалары қоғамдық санада қамтылады. Моральдық нормалар ұрпақтан-ұрпаққа жақсылық пен жамандық, тектілік пен дөрекілік және т.б. туралы жалпы қабылданған идеялар түрінде беріледі, халықтық мақал-мәтелдерде, дәстүрлерде, өнер туындыларында сақталады. Сонымен қатар, мақалада пікірталас мәселелеріне де назар аударылған.

Түйін сөздер: саясат, құқық, мораль, норма, мемлекет, қоғам, адам, заң, құқық тәртібі, әділеттілік, билік, заңнама, бірлік, айырмашылық, өзарабайланыс, қарымқатынастар, қатынастар, реттеу.

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ОТНОСИТЕЛЬНОЕ ЕДИНСТВО И РАЗЛИЧИЕ ПРАВОВЫХ И МОРАЛЬНЫХ НОРМ В КАЗАХСТАНСКОМ ОБЩЕСТВЕ: ПОЛИТОЛОГИЧЕСКИЕ АСПЕКТЫ

Аннотация

В статье рассматриваются вопросы относительного единства и различия правовых и моральных норм в казахстанском обществе, которые ещё не изучены в социально-политической науке. В статье более подробно рассматриваются политологические аспекты: различие правовых и моральных норм казахстанского общества; относительное единство казахстанского права и морали казахстанских людей и другие. В статье отмечается, что относительное единства правовых и моральных норм в казахстанском обществе выражается прежде всего в различии способов их создания, форм существования и гарантирования. Нормы права содержатся в законах, указах Президента, постановлениях, уставах, приказах и других актах органов казахстанского государство, а нормы морали – в общественном сознании. Нравственные нормы передаются из поколения в поколение в виде общепринятых представлении о добре и зле, о благородстве и подлости и т.д., запечатлеваются в народных пословицах, преданиях, в произведениях искусства. Вместе с тем, в статье уделено внимание и дискуссионным вопросам.

Ключевые слова: политика, право, мораль, норма, государство, общество, человек, закон, право-порядок, справедливость, власть, законодательство, единство, различие, взаимосвязь, отношения, регулирование.

Introduction

The successful solution of the tasks of building a democratic and civil society in Kazakhstan stems from the development of universal human standards of life, the education of people in the spirit of Kazakh patriotism, friendship among peoples and a political and legal culture. True human morality plays a major role in the education of the population. It acts as a regulator of relations between people, between individuals

and society. The principles of true universal human morality are a moral criterion for the behaviour of Kazakh people. On the basis of the norms of genuine, universal morality, the individual is rational and consciously combines individual interests with public, and his actions are guided by the interests of society.

Norms of true human morality is not the sole regulator of individual behavior. In addition, other types of norms, such as the law, operate in a democratic civil society. Legal norms, unlike moral ones, ensure that public demands are met by the authority of the State. Kazakh law establishes a legal order that corresponds to the objective requirements of building a democratic and just society [1,с.4,6-12]. The norms of Kazakh law during the period of the construction of a democratic and civil society in the country should help to educate the population and ensure that the discipline of members of our society is better organized. The rule of law occupies a prominent place in the fight against transgressions in the minds and behaviour of human beings, helps to shape a new human being in the spirit of the principles of true human morality and is thus closely linked to the norms of human morality.

It should be noted in this connection that the nature of communication and the dialectic of interaction between the rules of law and morality in Kazakh society are not yet sufficiently studied in the scientific literature. Our article attempts to elucidate the political science aspects of the issues: The relative unity and difference of legal and moral norms in Kazakh society.

Aims and purposes of the study

Considering that the state and level of scientific development of the problem under study do not correspond to current requirements and have not been specifically studied, The purpose of this article – on the basis of concrete materials reflecting the implementation of State policy in Kazakhstan, To make a political generalization: To uncover the content, problems and peculiarities of the relative unity and differences in legal and moral norms in Kazakh society. In order to achieve this objective, the following objectives have been defined: To uncover the political aspects of the relative unity of legal and moral norms in Kazakhstan; On the basis of scientific methodology, to study the difference between the norms of Kazakh law and the morals of Kazakh people; Consideration of new aspects of the study of the interaction of legal and moral norms, and the elaboration of some practical recommendations for improving Kazakh legislation and developing human morality in the context of the transition to a market economy and the modernization of society.

Methodology and methods of research

The theoretical and methodological foundations of the article make up the fundamental provisions of philosophy, political science, jurisprudence, and the achievement of world and domestic socio-political thought on the problems of legal and moral norms. Methods of historical, systemic, institutional, comparative and expert analysis were used in writing the article.

Discussion and results. As is well known, it is difficult at present to draw any line between legal and moral standards, for there is no legal requirement that is devoid of moral force. Despite the broad and profound embodiment in the legal norms of Kazakh society of the basic principles and norms of human morality, they remain a separate form of social norms. The rules of law and morality express two inextricably linked, interacting but distinct sides in a single dialectical process of regulating social relations, conduct of Kazakh people in accordance with the needs and tasks of building a democratic civil society [2, p.36].

In this connection, it should be said that the unity of all interrelated parties, phenomena and processes is relatively incomplete. The relativity of the unity of legal and moral norms in Kazakh society is reflected primarily in the difference in the ways in which they are created and in the forms of their existence and guarantees. The rules of law are contained in the laws, presidential decrees, decrees, statutes, orders and other acts of the organs of the Kazakh State, and the norms of genuine, universal morality are contained in the public conscience. Moral norms are transmitted from generation to generation in the form of generally accepted notions of good and evil, nobility and villainy, etc., sealed in folk proverbs, legends, works of art. Their social content can be both universal and historically limited. Universal, authentic morality, arising as the progressive morality of the people, becomes the universal morality of democratic, civil society as a whole. If the implementation of moral norms is controlled by public opinion and their violation is only subject to public pressure, the requirements of legal norms are often not met by reason of internal conviction, a Affected by the imposition of sanctions provided for in the Act, in particular State coercive measures [3, p.37].

The difference between the norms of Kazakh law and the morals of Kazakh people is due to the different degree of their connection with the economic relations of society and to the different manifestations of autonomy in relation to the Kazakh basis and its political superstructure. The norms of Kazakh law are more closely related to the political superstructure and through it to the economic basis than to the norms of human morality. Rules of law tend to become obsolete earlier and require change.

On the other hand, the norms of true human morality are often ahead of the law, anticipating the future structure of human relations in a democratic civil society, Closer to the ideals of due process and express the main content of the future rules of civic hostel.

State coercion is necessary in Kazakh society. Legal norms dictate certain precepts, requiring their implementation regardless of personal beliefs, desires and motives. While the vast majority of the population comply voluntarily with the law, this does not preclude the enforcement of the law in a democratic, civil society.

The power of law and the possibility of its use in the event of a breach of State coercion make it necessary for the legislator to indicate, as precisely as possible, a specific rule defining the rights and obligations of the parties, the actual living conditions, in which subjects are required to comply with the rules and measures that the State applies to the violators of this rule of conduct.

Human morality, on the other hand, is a more general way of behaving. They do not provide for detailed regulation of social relations, specification of requirements, authorizations and prohibitions, and such precise definition of measures of influence and conditions for their application to violators, as is the case in Kazakh law. Thus, the moral standards of the Kazakh people require humane relations and mutual respect. This requirement is also contained in the norms of Kazakh law [4,p.200]. But unlike moral norms, the law does not provide for a general rule: "to be humane and to respect one another", but it is very clear that the measures and the conditions under which they are to be applied are formulated precisely to deal with the most dangerous violators of this general rule, who allow, for example, that: Slander, verbal or physical insult, by hooliganism, etc.

A great deal of regulation and detail in the legal norms of requirements, authorizations and prohibitions means that they cannot take into account all specific cases and circumstances. Conversely, less regulation, more detailed requirements, authorizations, and prohibitions in moral norms make them more mobile, more flexible, and allow them to take a comprehensive approach to the evaluation of individual human acts and actions. In that connection, it was possible to imagine Kazakh people who violated moral standards but did not come into conflict with the norms of Kazakh law. This can happen, for example, when people do not welcome each other, gloat at the failures of their friend, comrade, display arrogance, scruples, connivence, etc. From the point of view of true human morality, the reputation of such people will be extremely low. Not only are they subject to moral disapproval, but very strong social pressure can also be applied. For example, if they are members of a party, members of a trade union, the relevant public organization may exclude them from its ranks, but they may not be subjected to legal coercion.

Considering the difference between the norms of Kazakh law and the morals of Kazakh people, one cannot avoid the question of the complexity of cooperation in practice and in the living reality of our society. Legal and moral norms in Kazakh society are not implemented automatically in people's practical activities, but are refracted through the prism of individual consciousness [5, p.32], which is formed as a result of a person's varied interaction with the environment. From an objective environment that includes not only social existence but also social consciousness, the individual – a Kazakh citizen – derives his ideas, concepts and opinions. Society as a whole influences the formation of a person not so much in itself, but through the immediate environment surrounding that person.

The issue of the relationship between the individual and the community is therefore of particular interest. Thus, effective organization of work, modern requirements for the participants of the production team, reasonable use of legal and moral means of influencing the collective and each individual are topical issues, The Government of the Republic of Kazakhstan is committed to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Under conditions of positive influence of the environment, the principles of true universal human morality and respect for Kazakh law permeate individual consciousness. Conversely, an unhealthy microenvironment has a negative impact on the formation of the personality of Kazakh, engenders a nihilistic attitude towards the norms of universal human morality and Kazakh law. In particular, a study of the impact of micro-environments on juvenile offenders shows that many of them have learned anti-social attitudes and habits from their daily interaction with demoralized adults.

In every individual consciousness, there are inevitably both features of the social consciousness as a whole and special features defined by the peculiarities of the upbringing and living conditions of the individual. The peculiarities of individual consciousness have a strong influence on people's understanding of legal and moral norms, on how they are treated and how they are implemented.

Undoubtedly, the overwhelming majority of Kazakh people abide by the law not for fear of State coercion [6,p.9-11] but voluntarily. But voluntary compliance does not mean that the motives for conduct are homogeneous. Voluntary acts of the same nature may be motivated by different motivations related to the moral and legal perceptions of the individual.

Some are complying with the requirements of the norms of Kazakh law because the principle of genuine universal human morality embodied therein – to work conscientiously for the benefit of society – has become their conscious norm of conduct and the result of respect for Kazakh law. The voluntary compliance of others with legal norms may be linked to the desire to receive the material and spiritual benefits that they provide. The third applies Kazakh law because they do not wish to have unfavorable legal consequences. Morally, the behavior of these three categories of individuals is not the same. There is no doubt that such acts, whose motives are linked to universal human ideals, deserve the highest moral recognition.

Significant progress has been made in recent years to improve the laws. New laws and regulations have been adopted to strengthen the rule of law and protect citizens' rights. All this helps to eliminate many obsolete norms that have come into conflict with new demands for real, universal morality and Kazakh legal awareness.

The process of reducing the emerging contradictions between the norms of Kazakh law and the morals of the people of Kazakhstan is being facilitated by the abolition of outdated legal norms, the publication of new normative acts and the formation of civil society. As is well known, the formation of civil society and the strengthening of the morals of the people of Kazakhstan require a high moral and legal culture, without which «Such important principles of public life as the rule of law, the priority of man, his rights and freedoms cannot be fully realized» [7, p.6].

In the present circumstances, when the moral principle of conscientious work for the benefit of the country is becoming more and more deeply ingrained in the minds of the vast majority of Kazakh people, particularly intolerant become roughnecks, truancers, drunks and other labour offenders, Social discipline and the rules of Kazakh law. The strictest observance of discipline: The order, organization, norms of Kazakh law and genuine universal morality must become the personal conviction of every Kazakh and the norm of his conduct, the first civic duty and duty. Those who violate the rules of law and morality must be held strictly accountable before the people, the society.

Conclusion

The acceleration and complexity of the processes of social development in the course of the construction of a democratic civil society in Kazakhstan could not fail to have a corresponding impact on the interrelationship between the rules of law and morality. The ongoing changes in the interrelationship between the legal and moral regulation of social relations in Kazakhstan require careful consideration and are one of the important but pressing problems of building a democratic and civil society.

The problem of the interrelationship of legal and moral norms in Kazakh society lies at the intersection of various scientific disciplines. It is certainly one of the issues where comprehensive, systematic research across the socio-political sciences is needed. It is the duty of Kazakh scientists – political scientists, legal scholars, sociologists, philosophers and others – to penetrate as deeply as possible the essence of the relationship, differences, relative unity of the norms of law and morality, and to reveal its new aspects, features, elements, etc.

Today, the study of the rule of law is an important way forward for the further development of research on this issue [8, p.220] and the socio-political values of specific legal and moral norms, and the establishment of the appropriate: optimal balance between legal and moral regulation of individual social relations. The resolution of these issues requires a thorough, comprehensive socio-political study of the place and role of individual social relations in the system of relations of Kazakh society and the effectiveness of its regulation by the existing legal norms, the morale of the masses, Identification of positive and negative aspects of the application of legal and moral methods of regulation, etc. These studies will help to obtain new data and, on the basis of their synthesis, to draw important conclusions and make appropriate recommendations, Proposals for further improvement of Kazakh legislation, improvement of the work of the State apparatus and comprehensive education of the population.

In this connection, we think that scientists and researchers should not only know the objective foundations of the rule of law and morality in Kazakh society, but also work where there is a mass of the population, live in the thick of real life, know it backwards and forwards, express what man, people aware, to be an active promoter of the policy of legal culture and morality into life, thus limit the manifestations of crime, immorality and non-legal or moral conduct.

Today, the Kazakh State and society are faced with the challenge of bringing about a new level of social development through modernization systems and the reform of the political, socio-economic and legal system of the country [9, p.314]. Nowadays, it is important that the solution of the urgent socio-political problems of the interrelationship between the legal and moral norms of the Republic of Kazakhstan and their relative unity as a whole should contribute to the unification of the multi – ethnic and a multi – religious society into a united family and the progress of a democratic, law-based and social State that owns the future.

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