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ABOUT THE EXPERIENCE OF BUILDING OF LAW-ABIDING STATE IN THE REPUBLIC OF KAZAKHSTAN

This article discusses the experience and problems of building of law-abiding state. The idea of law-abiding state was born by the liberal trend of Western (bourgeois) political and legal thought. Historically, this idea combined the concept of inalienable natural human rights with the concept of the state – the «night watchman» of these rights. From the position of the legal essence of the rule of law, the public power of the latter excludes arbitrariness and acts only in accordance with the law, understood as a measure of freedom, normatively fixed justice. It is assumed that laws should be constantly checked for compliance with the law, its principles and the legal system. The main provisions of the concept of law-abiding state include: the supremacy of civil society over the state, the subordination of the state to the control of civil society; the primacy of law over politics and law; the supremacy of law over an administrative act and administrative discretion; the clear separation of the legislative, executive and judicial authorities; freedom of activity of individuals and their associations on the principle of «everything that is not prohibited is allowed»; guarantee of the protection of the interests of a minority; direct legal effect of the constitutional norms; jurisdiction of the court of any dispute about law.

Key words: division of powers, human rights and freedoms, legislation, justice, civil society, law, justice, legal system, system of checks and balances, right.

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Қазақстан Республикасында құқықтық мемлекет құру тәжірибесі туралы

Бұл мақалада құқықтық мемлекет құру тәжірибесі мен мәселелері қарастырылған. Құқықтық мемлекет идеясы Батыс (буржуазиялық) саяси және құқықтық ойдың либералды бағытынан туындайды. Тарихи тұрғыдан алғанда, бұл идея адамның бөлінбейтін табиғи құқықтары ұғымын мемлекет – осы құқықтардың «түнгі күзетшісі» ұғымымен байланыстырды. Заң үстемдігінің құқықтық мәні тұрғысынан, соңғысының мемлекеттік билігі озбырлықты жоққа шығарады және тек бостандықтың өлшемі, нормативтік бекітілген әділеттілік ретінде түсінілетін заңға сәйкес әрекет етеді. «Заңға сәйкес» деген тіркес белгілі бір дәрежеде «заңға сәйкес» жағдайды шектейді, өйткені заңда өзімшілдік болуы мүмкін. Заңдар заңға, оның қағидаттарына және құқықтық жүйеге сәйкестігін үнемі тексеріп отыруы керек. Құқықтық мемлекет тұжырымдамасының негізгі ережелеріне мыналар кіреді: азаматтық қоғамның мемлекетке үстемдігі, мемлекеттің азаматтық қоғамды бақылауға бағынуы; саясат пен заңға қатысты заңның үстемдігі; Әкімшілік акт пен әкімшілік қалауларға қатысты заңның үстемдігі; заң шығарушы, атқарушы және сот билігінің нақты бөлінуі; жеке адамдар мен олардың бірлестіктерінің «тыйым салынбаған барлық нәрсеге рұқсат етіледі» деген қағидат бойынша қызмет ету бостандығы; азшылықтың мүдделерін қорғаудың кепілдігі; конституциялық нормалардың тікелей заңды әрекеті; кез келген құқық туралы дау-дамайдың сотқа бағынуы; ең дұрысы, құқықтық мемлекет саяси емес мемлекет.

Түйін сөздер: биліктің бөлінуі, адамның құқықтары мен бостандықтары, заңнама, сот төрелігі, азаматтық қоғам, заң, әділеттілік, құқықтық жүйе, тексеру және тепе-теңдік жүйесі, құқық.

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Об опыте строительства правового государства в Республике Казахстан

В данной статье рассмотрены опыт и проблемы построения правового государства. Идея правового государства рождена либеральным направлением западной (буржуазной) политико-правовой мысли. Исторически эта идея соединила концепцию неотчуждаемых естественных прав человека с концепцией государства – «ночного сторожа» этих прав. С позиции юридической сущности правового государства публичная власть последнего исключает произвол и действует только в соответствии с правом, понимаемым как мера свободы, нормативно закрепленная справедливость. Фраза «в соответствии с правом» в определенной степени ограничивает положение в «соответствии с законом», ибо закон тоже может быть произволом. Предполагается, что законы должны постоянно проверяться на соответствие праву, его принципам и правовой системе. Основные положения концепции правового государства включают в себя: верховенство гражданского общества над государством, подчинение государства контролю гражданского общества; первенство права над политикой и законом; верховенство закона над административным актом и административным усмотрением; четкое разделение законодательной, исполнительной и судебной властей; свобода деятельности индивидов и их объединений по принципу «разрешено все, что не запрещено»; гарантия защиты интересов меньшинства; прямое юридическое действие конституционных норм; подведомственность суду любого спора о праве.

Ключевые слова: разделение властей, права и свободы человека, законодательство, правосудие, гражданское общество, закон, справедливость, правовая система, система сдержек и противовесов, право.

Introduction

The problems of the correlation of the state-power and the law, legality in the activities of the state, the legal status of the individual, their relationship with the problems of morality arose together with the formation of the first ancient states on earth. Ancient legislators and, in particular, thinkers constantly put them before the society, returned to them as the most important problems of socio-economic and political life of their time, affecting the interests of the individual, individual groups, classes and the rulers by themselves in the most direct way. Of course, at the same time, the ancient legislators and thinkers could not imagine these problems in a complex, as the problems of the whole concept of the law-abiding state. They approached it mainly as a problem of power, legality, the position of the individual, etc. At the same time, they proceeded from their general philosophical, theological, moral positions and theories.

The greatest development of philosophical and political thought was received in the countries of the ancient world: Greece and Rome. We do not need to consider in this article the political and legal teachings of ancient Greek and Roman thinkers from the point of view of the class approach. This approach is more than sufficiently investigated in countless works of the classics of Marxism-Leninism, Soviet and foreign authors. We are mainly and exclusively interested in the task of identifying in their teachings everything that is connected with the concept of the law-abiding state: individual principles, provisions that we include in this concept.

Research methods

The main method was the study of scientific and theoretical materials. The analysis method was used in the formulation of the proposed new Kazakh laws during the independent development, as well as in the formulation of proposals for the development and adoption in the new circumstances. So were used the following methods: logical method; system method; legal method; historical method. The research methodology is based on the dialectical method, freed from materialistic or idealistic monism and based on the pluralistic, multilinear interdependence of all social phenomena. We also used the method of dialectical interdependence and interaction of methods: theoretical and empirical, induction and deduction, analytical, comparative methods.

Discussion

Justification of the novelty and significance of the topic of the article.

The ancient authors developed the provisions, the fundamental ideas that have the great importance for the theory of the law-abiding state. As Professor

M.N. Marchenko noted: "The law, in accordance with the constitutional concept of law-understanding, is not only the positive law, but the natural law, first of all, the integral main rights and freedoms of the citizens. Exactly, conformity or unconformity defines the legal or illegal character of all normative acts of the state, all the norms of acting legislation" (Marchenko 2019: 7).

It is characteristic that the concept of government in the society of acting laws was defended along with Plato and Aristotle. They are the founders of ancient political science. Moreover, when speaking about the law, Aristotle had in mind the rule of the legal law. In one of his works, he emphasized: "It cannot be a matter of law to rule not only by law, but also contrary to legal law; the desire for violent submission, of course, contradicts the idea of law".

Thus, as we can see, the ancient authors developed a number of provisions that are significant for subsequent ideas about the law-abiding state. Among them: the provisions on the power of law as a combination of force and law (Solon, Aristotle, etc.); the distinction between the law and wrong forms of government, on mixed rule and on the role of law in the typology of state forms (Socrates, Plato, Aristotle, Cicero, Polybius); on the ratio of natural and will-established law (Democritus, sophists, Aristotle, etc.); on the equality of people under the natural law (some sophists, Roman jurists); on law as a measure of justice and the regulating norm of political communication (Aristotle); on the state (republic) as a "matter of the people", as legal communication and "general law and order" (Cicero); on the spheres of private and public law, on the free individual as a subject of law (Roman jurists) , etc.

The ideas and theories of the great thinkers of antiquity were not the property of only an extremely narrow stratum of educated people, rulers and politicians of antiquity. They were studied along with Roman law – the most perfect and developed law of that time, in numerous educational institutions by contemporaries and in subsequent centuries.

In the new historical conditions, the question of human freedom has arisen in a new way. It was about the law-abiding state, both in private and in socio-political relations.

The supremacy of law- is the important category of the democratic law-abiding state. As the famous Russian scholars F.A. Vestov, O.F. Fast wrote: "In accordance with this principle neither state organ, no official, organization don't released from the duty to submit to the law. When we talk about the supremacy, we mean it not in the wide meaning, but in it's strictly sense" (Vestov 2019: 15).

The forming and existence of the law-abiding state in any country supposes the establishment the real supremacy of law at all spheres of the life of the society, widening of the sphere of its direct influence on the public relations. Observance of the legality is not only the formal declaration, but the necessary demand, which is essential to observe. The observation of the legality determines the character of the state as the law-abiding democratic state.

The most important achievement of Roman legal thought is the exceptional importance of the provision on natural law – "jus natural", the correlation of natural law with national law- the law of all peoples, and civil law, customs, written law of individual peoples. The Roman jurists considered natural law to be fundamental for any positive law.

Thus, the teachings of the ancient thinkers about the law, legality, and power, forms of law and wrong government became the most important achievement, which was later used by the thinkers of the New Time. We omit here the presentation of the political views of the thinkers of medieval feudal society, since they were mainly theological in nature and we do not find more than what was achieved by ancient thinkers in the field of the approach to the concept of the rule of law in their works.

The concept of the separation of powers into legislative, executive and judicial was supposed to prevent the transformation of political power into a despotic force, embodied in one body or person. The theory of separation of powers assumed the differentiation of the functions of the state, in accordance with the concept of state bodies.

Professor F.M. Rayanov stressed, that "The law-abiding state is not only one of the highest social values, designed to affirm the humanistic principles of socialism, but also a practical tool for ensuring and protecting freedom, honor and dignity of the individual, the means of combating bureaucracy, localism and departmental structure, the form of implementing socialist democracy" (Rayanov 2015: 58).

As Professor F.V. Fetyukov accounts, "the important principle of the supremacy of law, or law-abiding state, is the basis of new universal constitutional order of new democracies" (Fetyukov 2016: 64).

A special place in the history of the development, deepening and concretization of the concept of the law-abiding state belongs to the great German philosopher of the late XVIII-early XIX century Immanuel Kant (1724-1804). He belongs to the use, introduction of the term "legal society", "legal state" (Ayupova 2021: 17).

The political and legal views of I. Kant are contained mainly in the works: "Ideas of universal history from a cosmopolitan point of view", "Towards eternal peace", "Metaphysical principles of the doctrine of law". Kant was characterized by a social approach to moral, legal and political problems: every person has perfect dignity, absolute value; the individual is not an instrument for the implementation of any plans, even the noblest plans for the common good. A person is the subject of moral co-knowledge, fundamentally different from the surrounding nature, in his behavior should be guided by the dictates of the moral law. This law is a priori, is not influenced by any external circumstances, and therefore is unconditional. Kant called it a "categorical imperative", thereby trying to emphasize more strongly the abstractly obligatory and formalistic nature of this prescription. We support the opinion of Professor S.P. Narykova, when she writes: "To my mind, the supremacy of law means, first of all, recognition of the highest role of law in the civil society. The society and the citizens conceive the law, if it's expresses the social interests and will of the people, if it was adopted by the supreme organ of power by democratic way, in case if the law becomes the act, which is regulated the main spheres of public life and coordinated conflict problems" ((Ayupova 2021: 17). 55).

I. Kant repeatedly stressed the urgent need for the state to rely on the law, to focus on it in its activities, to coordinate its actions with it. Deviation from this provision can cost the State extremely expensive. State that evades the observance of rights and freedoms, does not ensure the protection of positive laws, risks losing the trust and respect of its citizens.

Thus, Kant created the doctrine of an ideal legal state, which can only be the ultimate goal of the historical development of the society. The approach to this goal can only be permanent and is the duty and privilege of the existing state power.

If for Kant the legal laws means the legal state, for Hegel they are reality, i.e. the practical realization of reason in certain forms of people's existence. The state, according to Hegel, is also the law, concrete law, i.e., in accordance with the dialectical interpretation, the most developed and meaningful, the whole system of law, legislation, which includes the recognition of all other, more abstract laws – the rights of the individual, family and society.

In general, the entire Hegelian construction of the law-abiding state is directly and unambiguously directed against arbitrariness, disenfranchisement and in general all non-legal forms of the use of force by private individuals, political associations and state authorities.

The merit of Hegel is that he made a deep philosophical, moral justification of the main provisions of the concept of the law-abiding state. But this is still far from a democratic state governed by the law-abiding state, since some of the principles of equality and individual freedom were understood by him narrowly, limited. In particular, he spoke little about political freedoms, equality of sexes and nations, freedom of speech, confessions, and so on.

The achievements of Western political thought in the development of the concept of the law-abiding state and its transformation in Russian political thought served as the basis for a deeper and special state-legal study by philosophers and political thinkers, and especially by state historians and lawyers of post-reform Russia, i.e. in the second half of the XIX- early XX centuries. The problem of the law-abiding state began to be discussed in Russia by individual representatives of the state-legal science not only in a theoretical, but also in a practical and recommendatory sense. Naturally, the positions of various scientists differed from each other. Some of them were limited to a purely theoretical understanding of it, while others, depending on their social position, formulated proposals for its implementation in Russia in an open or veiled form.

Political and legal ideas and concepts, as well as philosophical, economic, moral and religious ones, as the history of their development shows, have always grown and been formulated out of social necessity and have passed a certain test of the practical activities of people, individual countries and regions. The noble ideals of the best representatives of humanity could find a concrete realization in one way or another only in the New and Modern times, when material and spiritual and moral conditions began to mature for this.

From our point of view, the practical implementation of the concept of the law-abiding state, of course, lagged behind its very development by philosophers, politicians, jurists of the past and present.

The concept of the law-abiding state could be practically implemented only on the basis of the civil society, created in the process of long-term development in advanced countries. Civil society began to form from the time when a person ceased to be a subject of the state (monarch), became its citizen. The concept of the law-abiding state is closely related to the broader concept of democracy. It is important for us to identify the relationship of both these concepts.

The modern concept of democracy is immeasurably broader and deeper than its primary meaning, as democracy. Under the democracy we mean a political regime that exists in a particular state, which is opposite or radically different from anti-democratic regimes: totalitarian, military, autocratic, etc. The democratic regime presupposes equality of full-fledged citizens, multiparty system, freedom of religion, pluralism of opinions, transparency, universal suffrage in the elections of state bodies and public organizations, etc.

The famous scholar T.A. Smirnov wrote: "State, governed by the law-abiding state, cannot arise and exist without a democratic political regime. Therefore, the rule of law is, in the long run, the natural result of a long process of development of civil society and democracy. At the same time, the process of formation of civil society, improvement of democratic principles in the life of society, the process of accumulation of signs of the law-abiding state took place almost simultaneously. The law-abiding state, therefore, is the most perfect, the best state-legal form of the realization of democratic rights and freedoms of man and citizen, democratic principles in the management of public affairs" (Smirnov 2016: 30). We need to add, that many things are depends on the legislator, intellectual and professional level, carefully researching of the problems. The legal norms must be exactly, clear exposed. Any norm might to act effectively and be used widely in the concrete legal relations in the condition, if it's has the enlistment of real legal meanings. In that case the norm becomes attractive among the interesting persons and easily the supplement of observance and execution of such norm. During the procedure of acceptance of laws, the most accents must make to the quality, but not the quantity of laws. The laws have to be effective, quality, easy to understand and to reflect the interests of the people of Kazakhstan.

To date, almost all the most developed and civilized countries have laid solid democratic foundations for the implementation of the concept of a democratic law-abiding state. The principle of separation of powers has been established everywhere, as a rule, with the priority position of the legislative power. Universal suffrage prevails with secret voting (the remnants of censorship restrictions do not play any significant role), multiparty system, lack of censorship, social protection of the majority of the population, etc.

Also Professor T.A. Smirnov notes: "As we can see, the history of the development of the concept of the law-abiding state and its constitutional and legislative implementation in the most developed countries of the modern world testifies to its practical viability, since it contributed, along with scientific, technical and cultural progress, to the growth of the material well-being of the population in these countries, strengthening the security and freedom of the individual" (Narykova 2018: 35). Indeed, we would like to stress the common benefit and definite progress from the quality laws. Otherwise, the laws will become the sources of unstable in the society.

Results

Thus, the most significant signs and principles of a legal democratic state, according to scientists, are: expanded democracy: alternative elections, broad publicity with the elimination of political censorship, the abolition of the monopoly of the Communist Party, the abolition of Article 6 of the Constitution of the USSR, the formation of a multi-party system, the construction of a state, based on the principle of separation of powers, the reform of Soviet legislation, and, first of all, the constitutional branch, strengthening the law-abiding state, increasing the general and legal culture of the population.

Since the main priority of a truly democratic law-abiding state is the recognition of the interests and freedoms of the individual, their full and broad constitutional and subsequent legislative proclamation, consolidation and, possibly, full real provision, then, of course, the main feature of the law-abiding state is the specific establishment of these fundamental freedoms, interests of the individual.

In particular, in this regard, it is necessary to highlight the achievements of the great school of "natural" law, which has received universal recognition. Those rights and freedoms that became a kind of banner of all advanced thinking humanity, then entered into the political, legal and moral concept of "universal" values. These "universal values" have been recognized by almost all religious confessions and should become the legal basis of any developed democratic state based on the law-abiding state – positive constitutional and corresponding legislation.

These great universal legal and moral principles, on which the position of each individual in society and the state is based, are:

a). The right to life. Society, the state, the norms of law and morality, first of all, should ensure this basic human right, protect it from arbitrariness and accidents, and protect human life in every possible

way. This most important right does not need any detailed consideration;

b). Personal freedom provides for the right of a person to freely express his personality to carry out economic, social, political, cultural activities, to have freedom of conscience, i.e. the freedom to profess any religion or to be an atheist. The limits of this freedom can be established by a law common to all and the obligation not to harm other individuals.

A key direction in Kazakhstan's internal policy, which reflects a collective concern for maintaining the speaking about the freedom of the individual as the most important legal status of the individual, it is necessary to highlight especially in the conditions of our post-Soviet reality, the freedom of economic activity, since it was limited under the domination of state ownership of the means of production and the administrative-command system of the functioning of the national economy and only recently, despite the ongoing reforms in this area, it received a valid legal formalization. Although for many years it has met fierce resistance from the former reactionary party democrats, individual representatives of the state authorities and numerous economic elites. Moreover, entrepreneurship, economic initiative, the transition to the market relations are met with a negative attitude of a significant part of our public, which for many decades has been brought up in the most negative attitude to all this.

c). The most important principle of the legal and moral position of an individual in the society and the state is the recognition of his full legal equality with all other personalities of the state. This is the starting position of the individual in society and the state. It means precisely the legal basis for the creative activity of an individual in all spheres of society: economic, social, political, cultural, etc.

When we talk about legal equality, we mean all the diversity of not only the legal, but also the material status of the individual in the society and the state: gender equality-men and women in economic, social, political life. Equality and freedom are closely related to the following legal status of the individual: the right on property.

d). In the philosophical sense, property, according to Hegel, is a material condition for individual freedom. Property is one of the results of a person's creative activity. This creative activity by itself is realized through the property.

The Constitution of Kazakhstan legally established a strong presidential republic with distribution of the economic sense; property is a way of appropriating the means of production, tools of labor, and means of consumption. In the social sense, ownership is social relations, expressed through relations to things, i.e., means of production, tools of labor, and so on. But the most complete and accurate definition of property is its legal definition. It is fixed in the provisions of Roman law, in the Declarations of the revolutionary authorities, in civil legislation, in many of which it was declared sacred and inviolable as the basis of the existence of the individual, society and the state.

In a State, governed by the law-abiding state, this right, common to all, freedom of economic activity and full equality of the subjects of property rights should be fully approved. The second most important feature of a democratic legal state is its construction on the basis of the separation of powers into legislative, executive and judicial.

In fact, the principle of separation of powers has a deeper, democratic content. Of course, the theory of the separation of powers was initially directed against the absolute bureaucratic monarchy of the nobility, which concentrated all the functions of state power: legislative, executive and judicial. At the same time, the monarch was the highest legislator, judge and head of the entire executive apparatus. Indeed, during almost the entire XIX century, in the absence of democratic freedoms, equality, and a censorship system of elections, the principle of separation of powers gave a huge advantage to large owners and educated "classes".

When we talk about the theory of the separation of powers as the most important principle of the law-abiding state, we cannot but associate this principle with the methods of formation of legislative, executive and judicial authorities. As we know, there are two concepts of democracy – direct and representative. In a direct democracy, the people by themselves, meeting in one order or another, adopt laws, elect officials (executive bodies), accept their reports, etc.

Representative democracy assumes, first of all, the constitutions, laws, etc. in the state are adopted by an elected representative body – the parliament, and the most important normative acts in the administrative-territorial and national units of the state are adopted by local representative bodies, for example, regional, city, district administrations.

In this regard, the issue of the formation of the highest representatives of the executive power – the heads of the State and administrative-territorial and national units has the fundamental importance. In constitutional monarchies, the head of the executive power – the Prime Minister-is appointed, as a rule, by the monarch from among the leaders of the parties that won the parliamentary elections; as for

the heads of local executive bodies, the procedure for their formation does not differ from the methods existing in the republics. In the republics, the head of state – the president – is elected by the citizens, and then is endowed with extensive competence – power. In this case, it has relative independence before the Parliament (the presidential republic). Or is elected by the parliament, and has limited powers (a parliamentary republic).

The heads of the local executive power, the administration, are formed in the following three ways: 1) elected by the population; 2) elected by the local parliament (maslikhat); 3) appointed by the president or the head of the government. Of course, the most democratic way is the election of the heads of the local administration by the population.

The separation of powers, as a principle of building of aw-abiding state, should also be considered not just from a general democratic position, but also from a special angle of the legislative norm-making function of the state. The question is, in which state: totalitarian, autocratic, in which there is no separation of powers, or it is only formally proclaimed, or in a democratic state, based on the separation of powers, the legislative and executive functions of the state can be carried out in the interests of the people. It is quite obvious that only in a democratic state can these functions serve not only the interests of the most financially secure, educated and active part of the population, but also the entire people.

The legislative function of the state, without which the activity of the state is impossible, organically includes the self-limitation of power by the state. The point is in self-restriction, in whose interests it is carried out. The most complete self-restriction by the state of itself through the publication of laws is provides the individual with complete freedom of his creative activity, prohibiting considering only what is harmful to other personalities. The state acts precisely as a legal state, eliminating arbitrariness, ensuring legality, law and order.

It is important for us to say, that the separation of powers, if it has historically been established together with the general progress in the development of society, exists in a broad, developed democracy, is the most important sign of a truly democratic law-abiding state.

3. Independence of justice. Independence of the judicial authorities is an essential principle of the theory and practice of the separation of powers, as a common most important feature of the law-abiding state. Justice and judges should be formally, legally and practically protected from any external interference and pressure. Strengthening the independence of judges, their true subordination only to the law can really become a very important principle of building of law-abiding state, because we are talking about the third power in the state- the judicial power.

4. The principle of legality. Legality is the only thing that can be used to some extent from the previous regime in the construction of a democratic law-abiding state. Naturally, this use is extremely limited. Legality, the regime of the strictest observance and execution by the state, its officials, public organizations, and citizens become one of the decisive principles of law-abiding state, with the protection, realization of the legitimate rights and interests of the individual in the conditions of democratization of all aspects of the socio-political life of the country. At the same time, the principle of compliance with the law-abiding state can operate consistent legal system in the state.

Legal education of the population has the great importance for the implementation of the principle of legality in the law-abiding state. It is necessary to significantly improve the teaching of law studies in secondary schools, and to introduce the study of the legal system, and especially comparative law, in higher and special educational institutions.

Over the past centuries, the following most important provisions related to the observance of legality and its implementation have become fundamental in legal science: 1. the presumption of innocence; 2. “everything is allowed, that is not prohibited by law”; 3. there is no crime without an indication in the law; 4. the inevitability of punishment, etc.

Only under the condition of strict compliance with the law-abiding state, these great provisions of humanistic legal thought can be implemented both in legislation and implemented in practice. In this case, the citizen’s personality will really be realized as free, protected, and creative.

Ensuring strict compliance with the laws in the society in most constitutions of legal states is entrusted to the judicial authorities and, above all, the prosecutor’s office. At the same time, the prosecutor’s office should be, like the judicial system, completely independent in the exercise of its powers to ensure the law-abiding state from other state authorities and officials.

5. The rule of law and the Constitutional Council. The Constitutional Council must have the right to suspend the operation of laws, decrees and other normative acts, adopted by it for its consideration, the right to make decisions (unanimously or by a

majority of the Constitutional Council) on the compliance or non-compliance of this normative act with the Constitution.

6. The sixth feature of a democratic state, governed by the rule of law, is the presence of a developed legal system, hierarchically built on the basis of the development and concretization of the Constitution and the main constitutional acts. In this legal system, contradictions, inconsistencies of normative acts and other sources of law (precedents, customs, etc.) should be excluded as far as possible.

7. A truly legal democratic state can be considered a state in which, as a result of the democratic development of the society, a sufficiently high legal consciousness of the majority of citizens has been formed. Without such a sense of justice, all other signs of a legal state will not work effectively. Therefore, it is necessary to consider a sufficiently high legal consciousness of the population with its corresponding general culture as a sign of legal state.

Conclusion

The term "law-abiding state" focuses on the first word of this term – "legal". This means that the state, which claims to be considered legal, proceeds in its activities from law, that is, in its general ideal understanding, as the highest value called by great thinkers and the progressive part of humanity, for instance: the right to life, equality of all people, freedom, property rights, the right to resist oppression, etc., and in its normative form. At the same time, normative law (positive law) in a state, governed by the law-abiding state, should proceed and be based on the basic concepts and principles of general, ideal law. In particular, this is the categorical requirement, when preparing, adopting and putting into effect the main constitutional acts and laws, adopted on their basis, as normative acts with the highest legal force. Therefore, the law, its supremacy in the formation of state bodies, their subsequent activities is the very essence of the law-abiding state.

In the conclusion we should note, that the concept of law-abiding state proceeds from the "connectedness", the determination of the state's activity not by any law, but by positive law of a certain quality. A state, governed by the law-abiding state, presupposes a new level of law, a different ratio of various types of normative legal acts (the supreme law), a more precise and subtle identification, fixation of law by legislation, reliable regulation by law in the interests of the society, the structure, functions and optimal limits of state activity, as well as the creation of legal guarantees against various negative phenomena in the state apparatus (corruption, abuse of power, etc.). The idea of the law-abiding state can be realized only with a specific responsibility, a moral person, an industrial or information society, a constitutional state to activate the legal education among the citizens with the aim to form the high level of the legal consciousness and legal culture.

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