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**CIVIL SOCIETY:
THEORETICAL AND SCIENTIFIC LEGAL VIEWS**

The article deals with the modern understanding of civil society. Opens new interpretations of the data modern civil society by scientists from the legal point. The development of humanity man has lived and lives in society, society is divided into the following types of agricultural, stock, social, civil, etc. In these social relations there is nothing difficult in the development, as it is interconnected with the human factor in the face of citizens of a particular state. Depending on the development of public relations or that the above listed company may cease to exist or continue on. In the process of the development of society in a practical analysis of the data, some scientists formed the company rapidly and transiently stop the activity, ie in the form of legal entities cease and liquidate their activity and, for example, as a corporation, a limited liability company, etc. In any civil society institutions, the level of activity in the form of public associations is a kind of criterion of development, an indicator of the effectiveness of the democratic life in ideas. The special position of public associations as a product of organized independent initiative of the masses due to several factors as an indispensable channel of social experiments in the areas that affect the building of civil society. Formation of civil society actualizes in the public consciousness of the population of Kazakhstan ideals of democratic and legal state. The ideology of an open civil society based on the mutual recognition of the priorities of the human rights and interests of all civil institutions. Their implementation will contribute to strengthening public understanding and consent. In this case, the most appropriate form provided by the coordination of civil society interests and improving the efficiency of public policy.

Key words: society, civil society, citizen, ideology, human right, particular state, development, democratic, area, legal state.

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Азаматтық қоғам: теоретика-ғылыми құқықтық көзқарастары

Мақалада азаматтық қоғамның заманауи түсінігі қарастырылған. Азаматтық қоғам туралы ғалымдардың жаңа көзқарастарын заңи көзқарастар негізінде жаңаша түсіндірмелермен ұштастыра қарастырған. Адам адамзаттың дамуында адам өмір сүрді әрі өмір сүріп келеді, қоғам келесідей түрлерге бөлінеді: ауыл шаруашылыққа, акционерлік, әлеуметтік, азаматтық және т.б. Аталған қоғамдық қатынастардың дамуының күрделілігі жоқ, себебі адами фактормен тығыз байланысты, белгілі бір мемлекеттің азаматтарына бағытталған. Қоғамдық қатынастардың дамуына қарай, жоғарыда аталған қоғам өмір сүруді тоқтатуы немесе одан әрі жалғасуы мүмкін. Ғалымдардың тәжірибелік талдауы бойынша деректерге сүйене қоғамның дамуы барысында кейбір қоғамдар өздерінің қызметін тез арада қалыптастырады және тоқтатады, яғни заңды тұлғалар түрінде олар өз қызметін тоқтатады және таратады, мысалы, акционерлік қоғам, жауапкершілігі шектеулі серіктестік және т.б. Азаматтық қоғамның кез келген институттарында қызмет ету деңгейі дамудың критерийі болып табылады, бұл идеялардағы демократиялық өмірдің тиімділігінің көрсеткіші. Қоғамның құрамында қоғамдық бірлестіктердің орны ерекше.

Азаматтық қоғамның қалыптасуы Қазақстан халқының қоғамдық санасында демократиялық және құқықтық мемлекет идеалдарын жүзеге асырады. Ашық азаматтық қоғамның идеологиясы адам құқықтарының басымдықтарын және барлық азаматтық институттардың мүдделерін өзара тануына негізделген. Оларды жүзеге асыру қоғамдық түсіністік пен келісімді нығайтуға ықпал етеді. Бұл жағдайда ең оңтайлы түрде азаматтық қоғамның мүдделерін үйлестіріп, мемлекеттік саясаттың тиімділігін арттыру қамтамасыз етіледі.

Түйін сөздер: қоғам, азаматтық қоғам, азамат, адам құқықтары, идеология, ерекше мемлекет, даму, демократия, кезеңдер, құқықтық мемлекет, азаматтық.

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Гражданское общество: теоретико-научные правовые взгляды

В статье рассматривается современное понимание гражданского общества. Раскрываются новые интерпретации современного гражданского общества учеными с юридической точки зрения. В развитии человечества человек жил и живет в обществе, которое делится на следующие виды: сельскохозяйственное, акционерное, социальное, гражданское и т.д. В перечисленных общественных отношениях нет ничего сложного в развитии, так как это взаимосвязано с человеческим фактором в лице граждан определенного государства. В зависимости от развития общественных отношений то или иное выше перечисленное общество может прекратить существование или продолжать далее. В процессе развития общества в практическом анализе данных учеными некоторые общества быстро формируются и скоротечно прекращают свою деятельность, то есть в виде юридических лиц прекращают и ликвидируют свою и деятельность, например, акционерное общество, общество с ограниченной ответственностью и т.п. В любых институтах гражданского общества уровень активности является своего рода критерием развития, показателем эффективности демократической жизни в идеях. Особое положение общественных объединений как части общества. Формирование гражданского общества актуализирует в общественном сознании населения Казахстана идеалы демократического и правового государства. Идеология открытого гражданского общества основывается на взаимном признании приоритетов прав человека и интересов всех гражданских институтов. Их реализация способствует усилению общественного понимания и согласия. В этом случае в наиболее оптимальной форме обеспечиваются согласование интересов гражданского общества и повышение эффективности государственной политики.

Ключевые слова: общество, гражданское общество, гражданин, идеология, права человека, особенное иное государство, развитие, демократия, периоды, правовое государство.

The ideology of an open civil society based on the mutual recognition of the priorities of the human rights and interests of all civil institutions. Their implementation will contribute to strengthening public understanding and consent. In this case, the most appropriate form provided by the coordination of civil society interests and improving the efficiency of public policy.

An important condition for the formation and strengthening of civil society is the implementation of democratic and legal principles of state development.

Civil society in its modern sense and meaning – is society able to confront the state to control its activity, capable to indicate the state of its place, keeping it «in check.» In other words, civil society – a society that can make their state legal. Meanwhile, it does not mean that civil society is engaged and only those that struggle with the state. Within the frame-

work of the principles of social, in the welfare state, civil society allows the state to intervene actively in the socio-economic processes. Another thing is that it does not allow the state to crush yourself, make social totalitarian system.

This ability of the society to political self-organization is possible only if certain economic conditions – namely, economic freedom, diversity of ownership, market relations. At the heart of the civil society is private property. That it allows members of civil society to preserve the economic advantage.

Civil society – a society of equal people to freely express their personality, creativity, society of equal opportunities, freed from unnecessary restrictions and meticulous administrative regulation. Thus, the concept of «civil society» characterized by a certain level of development of society, its condition, the degree of socio-economic, political and legal maturity.

The separation of society from the all-pervading power of the state occurred during the conflict in the state and in society, which was resolved in the course of revolution XVII-XVIII centuries and subsequent reforms. This conflict was the result of natural historical transition from the absolutist power systems to a constitutional, representative. The transition itself reflects the emergence of new socio-economic, political and cultural realities. They were called to the life of commodity-money relations, the industrial revolution, the emergence of a layer of independent producers, the crisis of legitimacy of absolutist regimes, secularism (liberation from the influence of the Church) the individual and mass consciousness, the emergence of political parties, which have become an important channel for the broadcast of diverse interests of the different groups.

The actual functioning of civil society began with the adoption of the Bill of Rights in England and the United States and the Declaration of the Rights of Man in France. Of course the legal equality does not imply *de facto* equality, it only means equality of opportunity. However, this has created the conditions for the manifestation of talent, ability and initiative of the individual.

Human freedom is organically linked with its material well-being, the presence of property, freedom of private enterprise. A private property is not only the economic foundation of civil society, but also a factor of political, moral and cultural progress.

The value of private property in the formation of civil consciousness of man – in the development of civil society revealed the Russian philosopher I.A. Ilyin (1882-1954). He believed that private property corresponds to the individual way of being, which is given to man by nature. In addition, it unleashes economic enterprise and individual initiative; It gives the owner a sense of confidence; teaches human creative attitude to work and love the motherland; fixes his sedentary life, without which no culture; single family, involving it in the property relations; State nourishes human instinct; awakens and brings in a man of justice; It cultivates in him a sense of civic autonomy; develop the correct approach to political freedom.

Thus, the main feature and the basis of civil society is the legislative consolidation of the legal equality of people through giving those rights and freedoms. The criterion of the maturity of civil society is the degree of implementation and guarantees of human and civil rights by the state. The autonomy of the individual and society contributes to the creation of mechanisms of self-regulation and

self-development, the formation of spheres powerless in the relationship of free individuals with the ability and a real opportunity to exercise their natural rights, freedom of political choice, as well as act as the sole legitimate source of power.

It is obvious that the process of formation of civil society has a natural pace that cannot be accelerated some – or pushing. After all, a mature citizen begins with the development of self-awareness, arising from individual identity began. They can develop in the first place the efforts of the personality, its aspiration for continuous self-improvement.

Civil society – it is located at a certain stage of development of a form of human community, to help the labor needs of its individuals. It is a complex of primary voluntarily formed associations of individuals (family, co-operatives and other associations, in addition to state and political structures). This is a set of non-State relations in society (economic, social, national and private lives of people, their customs, traditions, and customs). This is the sphere itself manifestations of free individuals and their associations, fenced laws of direct intervention and arbitrary regulation of their activities on the part of the government.

Civil society exists and functions in a dialectical, contradictory unity with the state. In a democratic regime, it is closely related and interacts with the state, under the authoritarian and totalitarian regimes is in a passive or active opposition to the regime. It is primary in relation to the state, the foundation of the state. By its nature, civil society is a non-political society. In the depths of civil society can occur and there are political associations.

Civil society – and the growing self-organizing system itself. It operates and develops much more successfully and efficiently when certain favorable conditions are created for this. These conditions are to a large extent created by society itself, through the state, and in spite of it.

The basic living conditions of civil society is the possession of each of its members a particular property, or participate in the possession of the property, the right to use and dispose of them at its discretion. An important condition for the success of the civil society is the existence of a developed society, a diverse social structure, reflecting the richness and diversity of the interests of the representatives of the various groups and layers. A further condition for civil society's life is a high level of intellectual and psychological development of the individual, his inner freedom and the ability to complete amateur when included in a particular institution of civil society.

One can single out the following directions of the formation of civil society in the Republic of Kazakhstan, for example, the creation of real pluralism in the society. This is facilitated by the fall of the influence of traditional parties and the birth of new forms of mass political activity, as well as the emergence of self-governing structures, associations, informal civil movements. And also the formation of a new type of statehood, based on the priority of the law, capable of social partnership, in the conditions of a real differentiation of the interests of various groups and communities (a special role in this process should belong to the intelligentsia, which combines patriotism and an objectively critical approach to the realities of socio-political life, which, on the one hand, leads to the destruction of national self-consciousness and society, on the other, generates one-dimensional nationalism that absolutizes the values of the distant past logo).

The formation of civil society in Kazakhstan is primarily related to the issue of building a prosperous and prosperous society, in the nature of its democratic, in which human rights are respected. This problem is directly connected with the idea of modernization, i.e. building a modern society.

An important condition for the formation and strengthening of civil society is the implementation of democratic, legal principles of state development. It should be emphasized that Kazakhstan, being a democratically state, can provide the basis for the development of civil society. The assertion of the rule of law and constitutional law and order is the task of both the state power itself and civil society. This process must be considered as interdependent. At the same time, it is necessary to emphasize the interested participation of civil society in the person of such institutions as the scientific community, the media, political parties and movements, trade unions and public associations. Being a young independent state, Kazakhstan meets with many problems on the way to building a democratic society. Constant work is being done to improve the work of civil society institutions. Civil society in its modern meaning and meaning is a society capable of resisting the state, controlling its activities, capable of indicating its place to the state, keeping it «in check.» In other words, civil society is a society that can make its state legal. In the meantime, this does not mean that civil society is the only one that is engaged in that it is fighting the state. Within the framework of the principle of sociality, that is, of a social state, civil society allows the state to actively intervene in socio-economic processes. Another thing is that it

does not allow the state to crush itself, to make the social system totalitarian.

This ability of society to political self-organization is possible only if there are certain economic conditions, namely economic freedom, a variety of forms of ownership, market relations. At the heart of civil society is private property. It allows the members of civil society to preserve economic dignity.

Civil society is a society of people with equal rights who freely manifest their personality, creative initiative, a society of equal opportunities, freed from unnecessary bans and meticulous administrative regulations. Thus, the concept of «civil society» characterizes a certain level of development of society, its state, degree of socio-economic, political and legal maturity.

The Constitution recognizes the principles of the absoluteness and inalienability of rights and freedoms, allowing them to be restricted only by law, in order to protect the constitutional order, protect public order, human rights and freedoms, public health and morality. The Constitution establishes the foundations and basic institutions of civil society – the right of private ownership of any legally acquired property, the rights and freedoms of entrepreneurial activity, the principles of the creation and functioning of public associations, such as parties, and nowadays widely-created nongovernmental organizations [4].

The state policy in the field of creating and disseminating mass information in the Republic of Kazakhstan can be defined as a purposeful system of organizational, financial, legal and other measures implemented by the state to create and develop the information space in the Republic of Kazakhstan, and support mass media [5].

It is necessary to further improve the legislation in the field of development of the mass media market, ensure its economic independence, as well as the mechanism of their public and state control [6].

According to A.A. Morozov, the construction of a mechanism of relations between the authorities and the media is an indispensable condition for preserving the national security of the state. The main regulator of the relationship between the government, society and the media in the rule-of-law state can only be the law. In this regard, it will be of interest to turn to the legislative experience of a number of leading countries, whose authority is relatively peaceful, legally, gets along with the media [7].

The role of the media, as a civil institution, is as follows: the media themselves are a civil institution, and very dynamic and influential; act as one of

the most transparent and effective forms of feedback between the state and society; the media community promotes the development of other civil institutions, providing them with the most valuable information support in the current conditions.

Also, the media should strengthen civil society through its activities. They should promote the spirit of the Kazakh people, its unity and the rise of patriotic feelings.

Mass media of Kazakhstan grew rapidly and dynamically during the years of independence of the country. If in 1991 there were a little more than 600 newspapers and magazines in Kazakhstan, and all of them were state print media, in recent years their number has increased to «6646 media of the most diverse forms of ownership» [8]

The media have tremendous power. Power is the right to be heard and to influence the behavior of another person. Any form of coercive influence is limited. Power is built on the basis of voluntary subordination, the harmonization of interests – this is democracy. It is this power that is given to the press.

The role of the information civil institution does not arise immediately and comes to the fore unobserved. Strictly speaking, this is the power of public opinion, it is an ancient institution of public discussion of the problem at a rally, in a rhetorical competition. Modern technologies make this process more perfect. Sitting at the computer and participating in a forum or exchanging views on the chat, you are already forming power.

The media today is one of the most powerful tools for shaping the social space. Mass communication complements the immediate life experience of people, performing a reproductive and creative function.

The need for survival forces the press to be guided not by ethical principles, but by considerations of profit, which causes bias and unfairness of the media.

The practice of state financing of the mass media can not positively influence the development of civil society. Such national republican newspapers as «Egemen Kazakhstan» and «Kazakhstanskaya Pravda» are not financed by the state, which has positively affected the process of society development. On the one hand, the process of denationalization of these objects gives the society the necessary freedom guaranteed by the Constitution and the Law of the Republic of Kazakhstan of July 23, 1999 «On the Mass Media» (Article 2), and on the other, makes it difficult to disseminate reliable information, since the publication of mass media, self-financing, can occur only through their own competitiveness, advertising or lobbying from somebody else's side.

The social order contributes, on the one hand, to the reduction of social tension: the pain points of the region are identified and eliminated; the targeting of social policies is increasing; create new jobs in the social sphere; the efficiency of solving social problems increases; the involvement of citizens in the process of solving social problems is expanding. On the other hand, the real strengthening of power: there is an optimization of the management structure; increases the efficiency of using budgetary funds; there is consolidation of authority authority.

On the other hand, in civil society, a clear definition of the liability measure for violation of laws is for the media. The society demands freedom of speech, not freedom of slander and disinformation.

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