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LEGAL CULTURE OF CITIZENS OF THE REPUBLIC OF KAZAKHSTAN: PROBLEMS AND PROSPECTS OF DEVELOPMENT

Abstract. The article analyzes the theoretical foundations and modern problems of the formation of the legal culture of citizens of the Republic of Kazakhstan. The authors reveal the concept of legal culture as the most important component of the legal system, which determines the level of legal awareness, law-abiding behavior and the degree of realization of individual rights and freedoms in society. Various scientific approaches to the definition of legal culture, its structure, functions and interrelation with legal consciousness are considered. Special attention is paid to the influence of the level of legal culture on the effectiveness of law enforcement practice and the quality of legislation. The main problems hindering the development of legal culture in Kazakhstan have been identified, including the lack of legal education, the lack of a common understanding of the concept of «legal culture» and insufficient work on the formation of legal immunity among young people. The article suggests directions for improving the system of legal education, increasing the legal literacy of the population, as well as legislative consolidation of the content of legal culture. The conclusion is made about the need for an integrated approach to the development of legal culture as a condition for the successful modernization of the national legal system and the strengthening of the rule of law.

Keywords: legal culture; legal awareness; law-abiding behavior; legal education; legal values; legal activity; rule of law.

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫ АЗАМАТТАРЫНЫҢ ҚҰҚЫҚТЫҚ МӘДЕНИЕТІ: ДАМУ МӘСЕЛЕЛЕРІ МЕН ПЕРСПЕКТИВАЛАРЫ

Аннотация. Мақалада Қазақстан Республикасы азаматтарының құқықтық мәдениетін қалыптастырудың теориялық негіздері мен қазіргі заманғы мәселелері талданады. Авторлар құқықтық мәдениет ұғымын құқықтық сана деңгейін, заңға бағынатын мінез-құлықты және қоғамдағы жеке адамның құқықтары мен бостандықтарын жүзеге асыру дәрежесін анықтайтын құқықтық жүйенің маңызды құрамдас бөлігі ретінде ашады. Құқықтық мәдениетті анықтаудың өртүрлі ғылыми тәсілдері, оның құрылымы, қызметі және құқықтық санамен байланысы қарастырылады. Құқықтық мәдениет деңгейінің құқық қолдану практикасының тиімділігіне және заңнаманың сапасына әсеріне ерекше назар аударылады. Қазақстанда құқықтық мәдениеттің дамуына кедергі келтіретін негізгі проблемалар анықталды, оның ішінде құқықтық білімнің жеткіліксіздігі, «құқықтық мәдениет» ұғымы туралы бірыңғай түсініктің болмауы және жастардың құқықтық иммунитетін қалыптастыру жөніндегі жұмыстың жеткіліксіздігі. Мақалада құқықтық тәрбие жүйесін жетілдіру, халықтың құқықтық сауаттылығын арттыру, сондай-ақ құқықтық мәдениеттің мазмұнын заңнамалық бекіту бағыттары ұсынылған. Ұлттық құқықтық жүйені табысты жаңғырту және құқықтық мемлекетті нығайту шарты ретінде құқықтық мәдениетті дамытуға кешенді көзқарастың қажеттілігі туралы қорытынды жасалды.

Түйінді сөздер: құқықтық мәдениет; құқықтық сана; заңға бағынатын мінез-құлық; құқықтық тәрбие; құқықтық құндылықтар; құқықтық белсенділік; заңның үстемдігі.



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ПРАВОВАЯ КУЛЬТУРА ГРАЖДАН РЕСПУБЛИКИ КАЗАХСТАН: ПРОБЛЕМЫ И ПЕРСПЕКТИВЫ РАЗВИТИЯ

Аннотация. В статье анализируются теоретические основы и современные проблемы формирования правовой культуры граждан Республики Казахстан. Авторы раскрывают понятие правовой культуры как важнейшего компонента правовой системы, определяющего уровень правосознания, законопослушного поведения и степень реализации прав и свобод личности в обществе. Рассматриваются различные научные подходы к определению правовой культуры, ее структура, функции и взаимосвязь с правовым сознанием. Особое внимание уделено влиянию уровня правовой культуры на эффективность правоприменительной практики и качество законодательства. Выявлены основные проблемы, препятствующие развитию правовой культуры в Казахстане, включая недостаточность правового образования, отсутствие единого понимания понятия «правовая культура» и неудовлетворительную работу по формированию правового иммунитета у молодежи. В статье предложены направления совершенствования системы правового воспитания, повышения правовой грамотности населения, а также законодательного закрепления содержания правовой культуры. Сделан вывод о необходимости комплексного подхода к развитию правовой культуры как условия успешной модернизации национальной правовой системы и укрепления правового государства.

Ключевые слова: правовая культура; правосознание; законопослушное поведение; правовое воспитание; правовые ценности; правовая активность; верховенство закона.

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Introduction. It is widely recognized that legal culture reflects an individual's attitude toward a system of legal values established and protected by the state.

The presence of legal culture within society is a key condition for upholding the rule of law and strengthening legal order. That is why it is no coincidence that the Concept of legal policy of the Republic of Kazakhstan until 2030, approved by the Decree No. 674 of the President of Kazakhstan on October 15, 2021 (section 7), highlights that: "Civic engagement is essential for the existence of a rule-of-law state, which, in turn, is directly linked to the level of legal culture within both individuals and society"¹.

In this regard, the relevance of the study is due to the insufficient level of legal culture and legal awareness of the population, the lack of a unified scientific and legislative definition of the concept of "legal culture", as well as the need to improve the mechanisms of legal education in Kazakhstan. The purpose of the work is to form

a unified scientific approach to the definition of the concept of "legal culture" of citizens of the Republic of Kazakhstan, identify key problems and factors hindering its development, and offer practical recommendations for improving the system of legal education and upbringing.

Materials and methods. This study adopts an integrated methodological approach to investigate the formation of legal culture in Kazakhstan. To give a thorough grasp of the topic, the research integrates comparative, systemic, and historical-legal approaches with theoretical analysis of legal literature.

To develop the theoretical framework, monographs, journal articles and analytical reports from national and international legal literature were systematically studied and analyzed. The legal culture of Kazakhstan was compared with Eastern and Western (common and continental law) legal traditions using a comparative legal approach, which made it possible to identify key differences in institutional

¹ Об утверждении Концепции правовой политики Республики Казахстан до 2030 года: указ Президента РК от 15 окт. 2021 г. № 674 [Electronic resource] – Access mode: <https://adilet.zan.kz/rus/docs/U2100000674> (Access date: 12.02.2025).



structures and legal values.

In order to find transferable techniques in legal education and institutional transformation, the study also included analysis of other legal systems, including those of post-Soviet nations and industrialized democracies. Every technique was used in compliance with accepted norms of legal research, guaranteeing methodological soundness while keeping the practical implications for Kazakhstan's legal growth front and center.

The theoretical depth and policy-relevant analysis made possible by this mix of approaches offered a strong basis for comprehending the development of legal culture in Kazakhstan setting.

Results, discussion. The legal culture of society is perceived as “the achievement of human civilization in the field of the legal system and characterizes the level of development of this system and the legal life of society as a whole” [1].

When it comes to the legal culture of the individual, it is reflected in their law-abiding behavior within their social interactions. An individual gains social experience by engaging with a variety of values, particularly legal ones. This process contributes to the development of their personality and their integration into the cultural values of the society around them.

In other words, legal culture expresses an individual's relationship to the system of legal values established and protected by the state. However, the concept of “legal culture” is understood differently by various scholars.

For instance, Kazakhstan researchers V.A. Turbaev and B.I. Karipbayev “argue that legal culture defines legal reality as the actual existence of legal matter, as a form of social reality” [2].

In this context, some researchers view legal culture as “a form of spiritual and material culture that encompasses various legal values, reflecting the state of the legal system and the level of legal development within individuals, ensuring legality, law and order, legal communication, the organization and manageability of social relations, and positively influencing the evolution of all spheres of activity for various legal subjects” [3].

This definition shows that legal culture is viewed as a part of general culture. It includes knowledge of legal norms, an understanding of legal principles (legal consciousness), a commitment to following the law, abiding by legal rules, defending legal rights, and exercising the rights and freedoms granted to citizens by law.

Another definition of legal culture sees it as a measure of the effectiveness of the legal system and the achievements in the legal field. So, according to K.H. Sanginov, a researcher from Tajikistan “Legal culture is not simply a collection of social phenomena, but a qualitative state that reflects the level of development and efficiency of the legal system. It demonstrates legal values, the achievements of society in the legal realm, and the development of both legal theory and practice” [4].

Other scholars also view legal culture as an indicator of the presence of legal values, which suggests the widespread use of this perspective, including in global practice [5].

It's well-known that two major types of legal cultures are often identified: Western and Eastern. These serve as the foundation for most legal cultures around the world [6]. Western legal culture, however, is not a uniform, monolithic system, but is instead shaped by common mental frameworks [7]. For example, scholars Van Hoecke M. and Warrington M. highlight individualism and rationalism as key features of Western legal culture [8]. By individualism, they mean the belief in personal autonomy and complete freedom, often in contrast to society. Despite differences in political systems, geographical, cultural, and climatic similarities have led to some notable common elements between them [9]. For instance, some legal systems, such as in India and the UK, combine various legal traditions. In India, a country with a long and rich cultural history, the influence of English common law is strong, and the mentality of Indian and British lawyers shares certain similarities [10].

This approach is well-founded, as legal culture is directly connected to legal values, and it serves as the main vehicle for transmitting them.

As Russian scholar V.P. Fedorin noted, “Legal culture is a social mechanism that, based on the



level of legal consciousness, helps produce, preserve, and transmit legal values, information, and traditions, all of which promote lawful and socially engaged actions by individuals” [11].

Professor A.B. Vengerov sees legal culture as “a higher and more comprehensive form of legal consciousness” [12].

From the definitions above, it’s clear that legal culture is closely linked to legal consciousness, which can be defined as a system of legal ideas, views, and phenomena that manifest in the practical activities of law enforcement agencies, organizations, institutions, and other societal bodies.

In this sense, legal consciousness defines legal culture, meaning that the higher the level of legal consciousness, the higher the level of legal culture. Therefore, legal culture can also be understood as the level of development of legal consciousness.

A high level of legal consciousness includes knowledge and understanding of the role of law in the life of society and the state. On the other hand, a low level of legal culture—marked by a lack of legal traditions among the population, often leading to outright legal nihilism and a rejection of the need for and value of law – has deep roots in our society, going back to pre-revolutionary times. A low level of legal consciousness means that legal culture is virtually nonexistent among citizens, which raises concerns about the future of all aspects of life in Kazakhstan’s society. This could lead to very negative consequences. Citizens who disregard established legal norms jeopardize the safety and well-being of others, hinder the positive development of society, and undermine the state.

However, it is essential to first develop a clear and unified understanding of the concept of “legal culture”, which has various interpretations and definitions in legal literature. Accordingly, in law enforcement activities the definition of this concept is not fully and specifically understood, which does not allow for a focused impact on its constituent elements and substantive characteristics.

In this regard, in our view, the lack of a single, shared understanding of “legal culture” hinders the development of effective strategies for improving it. As a result, efforts in this direction

often remain formalized and fail to achieve meaningful results.

This is primarily because it is difficult to raise legal culture without understanding its content, function, and the existing or achieved level within society. Furthermore, the absence of a legislative definition of “legal culture” prevents the development of a consistent practice for its implementation and application in law.

At the same time, many of the scholars mentioned above agree that “legal culture” is the qualitative state of a society’s legal life, which is reflected in the development of legal activities, legal acts, legal consciousness, and the overall legal development of individuals. It also includes the degree to which the state and civil society guarantee the rights and freedoms of individuals. Today, the legal culture of society depends on the level of legal consciousness of the population, as well as how deeply the following are understood:

- the value of human rights and freedoms;
- the value of legal procedures in resolving disputes, seeking compromises, etc.;
- citizens’ attitude toward observing or ignoring legal regulations;
- the extent of legal awareness among the population, taking into account different age, social, professional, and other groups.

In the context of an individual’s legal culture, the following elements can be identified: legal consciousness, the habit of law-abiding behavior, and legal activity, or in other words, the ability to effectively use legal and ethical means to achieve personal goals.

In this article, we will briefly consider these components.

Legal consciousness can also be viewed as an informational and evaluative element, which includes knowledge about specific laws. Ideas about the principles of legal life are formed through daily communication and interactions among members of society.

Legal habit, on the other hand, is a volitional element, meaning the individual’s decision on how to behave in a given situation. Ideally, this habit involves law-abiding, lawful behavior. It is clear that not only the acquisition of knowledge about legal conduct is important – though many individuals lack this knowledge – but also the



formation of legal behavior as a natural and automatic response.

Legal activity involves developing skills to effectively use legal tools to achieve planned or set goals. The process of forming legal culture requires actively adopting and implementing legal norms, because without such activity, applying legal principles in daily life would be impossible.

The categories of “legal culture”, “protection of human and citizen rights and freedoms”, “legal education”, “legal upbringing”, and “legal consciousness” are closely interconnected and complement each other. They necessitate a comprehensive approach to the legal policy being pursued in this area, since the effectiveness of one of these factors depends on the state of the others.

Thus, the legal culture of society depends on the level of legal consciousness among the population, as well as how deeply issues such as the protection of human rights and freedoms are understood. It also hinges on whether citizens are inclined to observe or disregard legal regulations, the value placed on legal procedures for resolving disputes, seeking compromises, and so on, as well as how well-informed the public is, considering factors such as age, social status, profession, and other groups.

At the same time, Kazakhstan currently faces a number of issues and shortcomings that hinder the formation of a respectful attitude toward human rights and freedoms, the improvement of citizens’ legal literacy, and, consequently, their legal consciousness.

There is a lack of a detailed and targeted approach to building legal immunity against factors that negatively affect the legal education of minors and youth. Innovative methods for improving the legal culture and consciousness of the population, effective propaganda tools, and the positive experiences of foreign countries in this area remain underutilized.

Insufficient efforts to instill the idea of the rule of law in the public consciousness, along with the inadequate legal knowledge of some citizens, seriously impede various aspects of law enforcement practices. These issues affect the effectiveness of laws and other legal acts, their

compliance by the population, and the success of implementing human rights and freedoms, as well as ensuring their full legal protection.

It is also worth mentioning the global crisis of legal culture in the modern world community, which manifests in intergovernmental relations, conflicts and gaps in international law, as well as the imperfection of the legal regulation and legal implementation mechanisms. The causes of this crisis are directly tied to problems in the political, economic, and humanitarian spheres of global development and international relations.

Meanwhile, the formation of legal culture occurs through legal education and upbringing, which is a targeted, organized, and systematic influence on the individual. Knowledge of one’s rights and freedoms are instilled from childhood, and therefore, the legal education system should be aimed at fostering legal upbringing and shaping legal consciousness. This process helps individuals develop appropriate behavioral norms in society.

The process of forming legal culture should be comprehensive. It is essential to start at a young age, introducing children to commonly accepted norms and rules for interacting with peers and adults. Educational institutions should teach the basics of law, media outlets, television, radio channels, and cultural institutions should play a role in spreading information and fostering positive legal consciousness. Creative projects should be developed to provide basic legal knowledge, and there should be a shift away from promoting criminal culture toward demonstrating positive examples of lawful and socially responsible behavior.

In the process of shaping legal culture, it is not enough to simply master legal rules and norms. It is also important to involve individuals in legal activities, so that they gain not only legal knowledge but also the skills and tools needed to solve specific life challenges using legal methods. This can be successfully achieved with consciously organized and controlled support from educational institutions and other learning organizations.

It should be noted that the legal culture of society determines not only the level of legal consciousness but also the adherence to laws, the quality of legislation, and the peculiarities of



law enforcement practices in the state. The legal culture of different social groups can significantly differ from the general societal norms: it depends on factors such as age, education, profession, and the group's attitude toward legal norms.

During the process of internalizing various values, an individual is formed, gaining certain social experiences and becoming integrated into the culture of the society that surrounds them.

In the course of education, the legal culture of future specialists is formed, with the goal of educational institutions not only being to help students acquire professional competencies but also to instill in them a high level of legal culture.

Legal culture not only changes an individual's behavior but also helps them realize their creative potential through legal activities.

In our opinion, in the current context, it is necessary to legislate the concept of "legal culture", clarify its defining characteristics, components, and the main areas of work for cultivating legal culture among citizens in society.

Specifically, it is recommended to add a definition of 'legal culture' to Article 1 of Kazakhstan's Law 'On Culture' (No. 207-III, dated December 15, 2006), which contains the main definitions.

The proposed legislative amendments, as we see it, will enhance and build upon the significant work carried out in Kazakhstan in recent years aimed at fundamentally reforming the national legal system, modernizing human rights protection mechanisms, and creating all the necessary conditions for the realization of human rights, freedoms, and lawful interests. Effective implementation of these rights and freedoms will significantly impact the progress, quality, and dynamic resolution of Kazakhstan's political, legal, economic, social, cultural, and other issues.

Several measures aimed at forming legal culture should include:

- educating young people from an early age about the key principles of the Constitution of the Republic of Kazakhstan, and instilling in them an understanding of rights and duties, honesty, good faith, and ethical norms. In particular, we propose introducing a special subject, "Legal Culture," in educational institutions with an exam on this subject in the

final year;

- creating a system for consistently explaining to the population the essence and purpose of the socio-economic and legal reforms in the country, as well as legislative acts and government programs. Strengthening in citizens' minds the idea of the supremacy of law. For example, the creation of special programs on television or in electronic media dedicated to covering various aspects of legal culture in the country and abroad;

- organizing and holding scientific and educational seminars for government officials on the prevention of legal offenses, and instilling in them an intolerant attitude toward all types of lawbreaking. It is proposed that these seminars be provided in all government agencies and organizations, as well as in the quasi-public sector;

- holding legal awareness events for various population groups to foster legal knowledge and culture, combining this with the study of history, religion, and the national values of the people of Kazakhstan, while strengthening citizens' sense of connection to the nation's destiny and patriotism by fostering pride in the country's state symbols. It is advisable to carry out this work by the Ministry of Culture and Information of the Republic of Kazakhstan on a systematic basis with the involvement of public organizations and educational institutions;

- developing and implementing joint programs between state authorities, including law enforcement agencies, and civil society institutions for targeted legal advocacy. These issues could be resolved through the signing of relevant memorandums between government agencies and public institutions;

- providing legal information from higher educational institutions and law enforcement bodies to the media to ensure the widespread use of innovative methods of legal propaganda, including expanding the use of modern information technologies. To oblige universities and government bodies to provide legal information to the Institute of Legislation and Legal Information of the Ministry of Justice of the Republic of Kazakhstan on issues of legal culture for its promotion in the country's mass media;



- improving legal education and developing systems for the training, retraining, and professional development of legal personnel. It is proposed to provide special courses for civil servants with a legal profile as part of advanced training courses;

- developing new approaches to providing scientific support for the activities of state and public institutions concerning the formation of legal culture in society. For these purposes, provide special scientific grants in this area.

Conclusion. In conclusion, it is crucial to define

the future vectors of legal culture development for citizens of Kazakhstan, which involves not only impeccable knowledge of the law but, more importantly, identifying the necessary and acceptable norms of behavior in society and the state. Additionally, the task at hand is to cultivate in individuals the habit of law-abiding behavior and to develop a state of legal activity. In this context, legal activity refers to the readiness to act in accordance with the law and to actively defend not only one's own rights but also the rights of fellow citizens.

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