

MAIN PRINCIPLES AND FEATURES OF CONSIDERATION LEGAL CHARACTERISTICS OF SECULAR STATE

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ABSTRACT

Modern society rather closely relates religion with affairs of the management of society. Considering society as a cell of structural subdivision of the state territorial unit, it is possible to designate that in compliance with a pyramid of needs of each individual, the religion, to be exact -the freedom of worship is rather significant component in the functioning mechanism in vital activity of each citizen. Limiting or forbidding something which is connected with religious religion, the state automatically breaks balance of the democratic system at the level of internal policy of the state that is fraught with extremely negative consequences which can be reflected in social, economic and even demographic environment of society.

Keywords: Modern Society, Management of Society, Structural Subdivision, Freedom of Worship, Negative Consequences.

INTRODUCTION

The Term of Secularism for the State

Now the term of the secular state is rather widespread expression in the system of characteristics of many states (Imanbekova, 2014). The reason for this is the purposefulness of world politics of the functioning system of the states concerning democratizations of societies within territories of the state territorial units (Kozhambekov et al., 2019; Batyrbaev et al., 2017). That definition can be expressed by two main expressions connected with stylistics of the secular state (Nartay et al., 2019; Ordaeva et al., 2014; Shalkharov et al., 2019 & 2016).

The Expression of the Secular State Concerning Non-Interference of the State and State Policy to Affairs of the Religious Sector within the Territory of the State Territorial Unit

This expression assumes a certain degree of independence of the religious associations functioning within the territory of the state territorial units within norms of the system of normative legal acts of the Republic of Kazakhstan in compliance with the purposes, tasks and other provisions, approved by the charter and constituent documents of this religious association, which do not contradict the norms of the current legislation of the Republic of Kazakhstan (Shalkharov et al., 2016; Sullivan, 2013).

The expression of the secular state concerning identification in designation of the certain object which is something special in the system of functioning of societies within the territory of the state territorial unit.

This expression assumes the assignment of the characterization area of the concept of secularism to concrete certain objects. Speaking about those actions and based on primary hypothesis, it is possible to assume safely that recognition of democratic values of citizens, regarding the religious rights, directly contradicts the main characteristic of the secular state (Asanbaev, 2017; Dalins et al., 2018). The concept of the secular state assumes itself indifference of the state to the affairs of religious associations (Aisultanova, 2014; Smagulov, 2016). However, in the light of the latest events, some religious organizations can be engaged hypothetically in wittingly illegal activity (Malashenko, 2014).

Essence of the Problem for World and National Researches in the Field of Secularism of the State

The present research assumes itself the certain type of the problem connected with the general purpose to determine the substance of the secular state in the territory of the Republic of Kazakhstan, and for this purpose, there are some provisions necessary for identification (An-Na'im, 2009).

How is Important the Problem for Adequate Functioning of the State Territorial Unit

Norms, concerning interpretation and classification of the characteristics of the secular state are not defined completely that causes numerous discussions in legal society concerning elements of its substance and reflection in applied production, and for today, it is the most important question in religious policy of the state security taking into account strengthening of role of the religious associations in activity of the state (Smith, 2015).

LITERATURE REVIEW

Structural Features of the Current Research from Earlier Carried Out

The current research affects the political and legal space of the Republic of Kazakhstan as multinational and multi-confessional social space of relationship of citizens and legal entities (Juergensmeyer, 2008).

Theoretical and Practical Value

Theoretically, current research assumes more detailed classification and verification of earlier non-studied questions in literary, scientometric and educational-methodical data (Bitemirov et al., 2019). Literary sources are more committed to theological researches of authors of religious multiplicity. The social base is also rather rich with similar researches (Kairat et al., 2017). However, legal literature is not particularly replete with works concerning such component as secularism at the macro-state level that assumes the special importance of this question from the position of the theoretical importance (Bitemirov et al., 2018).

Practical Value

From the position of applied production, the current research is formulated as the visual demonstration tool at the analysis of components of secularism of the state at classification of these or those actions or inactions of subjects of religious, political and social activity of the state. It is possible to understand at strictly subjective analysis of components that activity of the religious organizations is a unique universal complex of actions and inactions of legally registered religious associations, operating in the territory of the Republic of Kazakhstan, which leads to concrete certain results. It can pursue the different aims for state policy.

The question of importance on the problem of designation of essence of the secular state within world and national researches.

Why this Problem Affects Exactly this Research

Being the constitutional, democratic and secular state, the Republic of Kazakhstan adheres to policy of the neutrality concerning religious associations that assumes the certain resonance for national religious policy of the Republic of Kazakhstan which was not studied earlier taking into account Islam as the dominating religious belief in the territory of the Republic of Kazakhstan.

Was there a Theoretical Solution in Previous Studies?

The famous scientist in world scientific and legal space - Jean Bober fairly mentioned that the secular state - is absolutely neutral relation of the state to all religious associations that allowed many countries of Eastern and Western Europe to identify the legal norms of freedom for religious associations from the policy of the state.

The literary analysis of the previous researches in the field of designation of the term – secularism of the state.

The modern characteristic of the secular state, classified by researchers of the Republic of Kazakhstan, assumes that the state on its own behalf does not interfere with intra-organizational activity of the religious association which is legally registered in the public authorities of the Republic of Kazakhstan, and those, in turn, show the neutrality in affairs of the state that generates the certain kind the social democratic resonance, as the religion assumes the certain status which does not allow to bring religion borders out of social and political borders. Certainly, success of all these researches consists in more circumstantial detailed analysis of the

components of legal relationship of the public authorities and religious organizations as the main subjects of space of the comparative legal relations.

RESEARCH METHODOLOGY

Structure of the Research

The structure of a research is expressed in the standard observation descriptive analysis of obligatory components of secularism for the state, and also results of researches of the leading scientists in this area.

Participants, Subject and Procedure of the Research

As the state is that side who declared the status as the secular state, it first of all will be the main participant of this research. It is possible to recognize legally registered religious organizations operating in the territory of the state territorial unit as the second main participant of the research.

Participants and their Characteristics

State. The state as the main participant is the subject, the adhering status of the secular state which has the certain kind of characteristics, allowing it to correspond to this status, despite the certain norms, contradicting the principles of the secular state.

Religious organization. Voluntary formation of citizens and legal entities after the certain kind of the state registration as the legal entity, and it is more often noncommercial than commercial, which puts as the main purpose the religious activity taking into account all actions and inactions, inherent in their chosen type of religion.

Another subject. Other citizens and legal entities who do not have relations to public authorities and religious associations directly, indirectly interacting with them, can be recognized as the third type of participants of the relations of the public authorities and religious organizations in controversial moments of the status of secularism of the state.

Hypotheses

There are used three hypotheses having direct influence on the current research as well.

Primary Hypothesis

If recognition of the democratic values of citizens regarding the religious rights takes place, then the present directly contradicts the main components of secularism of the state.

Secondary Hypothesis

As soon as the state allows the sanctions for religious offenses, then secularism of the state is lost.

Tertiary Hypothesis

The sanction of the state against the official of the religious association does not break the principle of secularism of the state which is expressed in the neutrality to religious associations.

Relation of the Hypotheses with Design of the Research

The design of the research is supposed as descriptive. At the same time, the specified hypotheses are reflected in results of dichotomic character. That is, only two options are possible as an alternative projection: it takes place or not.

RESULTS & DISCUSSION

Results of the current researches assume rather loud hypotheses which affect some actions and level of legitimacy of inaction of the state in this or that policy of the religious organizations in order to keep the status of the secular state. The present scenario demands bigger amount of time and resources. Therefore, the second scenario is relevant in many situations: sanction against officials of the religious organization. At such scenario, it is possible to understand that the criminal legislation of the Republic of Kazakhstan is more developed on punishment of natural persons who can be officials. This solves the problem, without affecting the status of secularism of the state which helps to resolve the conflicts by means of elimination of elements of the large problem.

Divisions into the Groups of Researches

The present researches were divided into several categories. Among the categories of participants, the previous researches were subdivided on groups of the states of continents taking into account prevalence of the religious directions. There were taken place the researches dividing by types of religions as well. There were made the divisions of religious associations according to organizationally legal forms. However, exactly these researches assume themselves only two groups: the state and religious association.

Statistics and Data Analysis

Statistical data are not meant in the current researches as this research is supposed as introduction. However, other subsequent researches, proceeding from this research, assume the certain kind of selection, instantaneous cross design of the research and the detailed statistical analysis by means of those computing tools as SPSS and InSTAT.

Auxiliary Analysis

There were used as the auxiliary analysis such methods of the legal analysis as deduction, induction, abstraction and synthesis. The present is caused by a large number of the literary data separated from the different directions of science. However, considering legal essence of the current researches, these four methods are the most acceptable in the present researches.

Participants

Two types of subjects were considered as participants. These are the state subjects as one participant of legal relationship and legally registered religious associations operating in the territory of the Republic of Kazakhstan.

State

The state as one of participants of the relations on the territory of the secular state is a key subject of researches, as its relation to religious associations and also to policy of those associations and maintains the status of secularism of the state. Nevertheless, the state via the mechanisms is capable to influence on policy of religious associations without losing at the same time the status of secularism. It is possible to recognize the certain kind of the sanction against officials of legally registered religious association as one of ways of influence of the state. There can be recognized by this that the majority of norms of the criminal legislation is focused generally on the natural persons that assumes itself application of the certain sanction on the official of the religious organization, causing at the same time the actions which are not contradicted to the general principle of secularism.

Religious Organization

The religious organization, as other party of relationship on territorial space of the secular state, is also active participant of the relations. It is well-known, that the religion is one of the constituent values of society. Rather elastic maneuvering in consciousness of the groups of individuals defines extensiveness of activity of religious associations. At the same time, the purposes of religious association are not always sufficiently adequate and lawful. It explains the policy of the state regarding parallel non-interference and at the same time control of the religious organizations on the territorial unit.

Registration Data

As these researches are introduction then registration values in them are not meant. At further instantaneous cross analysis as registration values, there are meant the statistical characteristics, both the state, and religious associations. However, these descriptive researches of those do not assume due to the fact that they are only introduction.

Basic Data

It is possible to find as basic data in applied production the adjacent norms which do not have validity, and nevertheless, finding reflection in these or those areas of activity of the state. Also unsatisfied statements concerning secular characteristics of the state can also serve as basic data of the current researches. However, there are considered as the most basic data the divergences in precepts of law concerning secularism and their practical reflection on territorial and legal space of the state territorial unit.

Justification of the Selection of Participants

As the main participants in the system of the state which recognizes itself as secular, it is possible to recognize the state operating through the governing bodies and the religious organizations having obligatory state registration in the same state.

Adverse Circumstances

The certain results were achieved at the study of this question. However, adverse factors took place as well. It is possible to mark out as one of the adverse factors the certain kind of the resonance in religious and non-religious actions and the inactions.

CONCLUSION & RECOMMENDATION

The state loses the status of secularism at recognition of the democratic constitutional rights of citizens on religious values in the religious organizations. The state loses the status of secularism during the developing, introduction and application of any sanctions to the address of religious organization. Education of secular state must be entered all over the Kazakhstan Republic educational system because from a position of contemporary jurisprudence it is a most actual term in a theory of state and law.

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