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НАУКА И ЖИЗНЬ КАЗАХСТАНА
SCIENCE AND LIFE OF KAZAKHSTAN



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THE POLITICAL AND LEGAL ASPECTS OF MULTICULTURALISM POLICY IN THE REPUBLIC OF KAZAKHSTAN

Түйін. Мақалада Қазақстан Республикасының тәжірибесі негізінде көп мәдениеттілік саясаты мәселелерінің саяси-құқықтық аспектілері қарастырылады. Жаһандану дәуірінде адамзат өркениетінің өзекті мәселелерін шешудегі көп мәдениеттілік саясатының рөлі артып келеді. Мақаланың негізгі мақсаты – жаһандану жағдайында Қазақстан Республикасындағы көп мәдениеттілік институтын зерттеу, Қазақстан Республикасының көп мәдениеттілік туралы заңнамасын жетілдіру бойынша одан әрі ұсынымдар әзірлеу.

Түйінді сөздер: мультикультурализм, адам құқығы, жеке тұлғаның құқықтық мәртебесі, құқық қолдану.

Резюме. В статье рассматриваются политико-правовые аспекты вопросов политики мультикультурализма на основе опыта Республики Казахстан. В эпоху глобализации возрастает роль политики мультикультурализма в решении актуальных проблем человеческой цивилизации. Основная цель статьи – в условиях глобализации исследовать институт мультикультурализма в Республике Казахстан, разработать дальнейшие рекомендации по совершенствованию законодательства о мультикультурализме в Республике Казахстан.

Ключевые слова: мультикультурализм, права человека, правовой статус личности, правоприменение.

Summary. The article examines the political and legal aspects of multiculturalism policy issues based on the experience of the Republic of Kazakhstan. In the era of globalization, the role of the multiculturalism policy in solving urgent problems of human civilization is growing. The main aim of the article is in the context of globalization, to investigate the multiculturalism institute in the Republic of Kazakhstan, to develop further recommendations for improving the legislation on multiculturalism of the Republic of Kazakhstan.

Keywords: multiculturalism, human rights, legal status of individuals, enforcement.

Introduction

Today the country has all the necessary conditions for the development of culture, languages, traditions of ethnic groups. There are currently more than 800 ethnic and cultural associations on the territory of the state, 28 of them are Republican. Newspapers and magazines are published in 15 languages, radio programs in 8 languages, and TV programs in 7 languages. In General, there are 88 schools with Uzbek, Tajik, Uighur and Ukrainian languages of instruction. In 108 schools, the language of 22 ethnic groups is taught as a separate subject. In addition, 195 ethno-educational complexes, Sunday and linguistic schools were opened, where in addition to children and adults were able to learn the languages of 30 ethnic groups. With the exception of Kazakh and Russian theaters, there are four national Uzbek, Uighur, Korean and German theaters in the country. Every year in the languages of ethnic groups of Kazakhstan produces several dozen new books" [Otyynshiyeva, Ibrayeva, 2017, p. 82-86] according to the above Kimligi and interviews Kairat Mami said that Kazakhstan is gradually being implemented multicultural idea or policy.

The only organization that promotes the rights, freedoms and interests of the multi-ethnic people of Kazakhstan, multicultural, multinational – a consultative and Advisory body under the Head of state, created by the decree of the President of the Republic of Kazakhstan, is the Assembly of the people of Kazakhstan. The main goal and task of the Assembly of people of Kazakhstan, established on March 1, 1995, is to implement this multicultural policy, promote friendship and unity of the people of Kazakhstan. It clearly reflects not only an important link in the dialogue between the state authorities and the multinational society, but also the formation of civil society in Kazakhstan.

Main body

The Constitution of 30 August 1995¹ guarantees equal rights to all citizens, regardless of race, nationality, religion or social affiliation. At the same time, based on the recognition of ethnic, linguistic, cultural, and religious diversity, the civil principles of the formation of Kazakhstan's identity and unity were consolidated. this means a common interest and mutual respect, and reflects kinship and love

¹ Constitution of Republic of Kazakhstan, from 30 August 1995//Zhetyzhary, 1998(Accessdate02.10.2020)

for another, the preservation of cultural diversity, which develops the characteristics of peoples and is a means of exchanging cultural values between nationalities, i.e., the consolidation of multicultural Kazakhstan. In turn, it is necessary to promote and develop the most important liberal values, such as tolerance, in order to establish themselves in a multi-ethnic society.

The tolerant development of diversity, multiculturalism and multi – faiths is the key to global peace and harmony. Ethnocultural diversity, which has passed from century to century, increases the desire to form and implement being under the banner of one culture and one knowledge. Therefore, the issues of multicultural existence and dialogue are the most relevant for modern society. The unity of the people is the most precious quality, and the Friendship of the peoples of Kazakhstan is an invaluable asset of our country. We all live under the same Shanyrak, we have a different kind, we have one support, we have one heart, we have one heart! In order to strengthen our independence, we must first of all be strong in unity. While Kazakh weakened, it eased the enmity between them. Increased, increased by one.

The institution of citizenship is one of the main features of the sovereignty, independence and constitutional system of the Republic, since the people of Kazakhstan, consisting of citizens of the state, is “the only source of state power “and” exercises power directly through a Republican referendum and free elections, as well as entrusts the exercise of their powers to state bodies”.

The system of principles of Kazakhstan citizenship, in our opinion, is divided into General and special. In accordance with international instruments, the following principles can be identified as General principles: the right to citizenship of the Republic of Kazakhstan, recognition of mutual responsibility of the citizen and the state, equal citizenship of the Republic of Kazakhstan, stability of citizenship, protection and care by the state of persons outside the Republic of Kazakhstan, non-extradition. a citizen of another state who retains the citizenship of the Republic of Kazakhstan during marriage or divorce. As special principles: the inadmissibility of common citizenship, dual citizenship, support for ethnic Kazakhs living outside the Republic of Kazakhstan. In a separate article of the Law of the Republic of Kazakhstan “on citizenship”, it is proposed to formulate and approve the principles of citizenship [Scriven, 2013, p.74]

Special attention should be paid to legal relations regulated by the Law of the Republic of Kazakhstan “On citizenship of the Republic of Kazakhstan”.¹ This legal category is based on such principles as the “right to blood “and the” right to soil”. According to the principle of “right to blood”, when both parents are citizens of the Republic of Kazakhstan at birth,

¹ The Law of the Republic of Kazakhstan ‘On citizenship of the Republic of Kazakhstan’ //http://adilet.zan.kz/eng/docs/Z910004800_20 December 1991(Accessdate 02.10.2020)

the child is a citizen of the Republic of Kazakhstan, regardless of the place of birth. In the case of different citizenship of the parents, when one of them is a citizen of the Republic of Kazakhstan at the birth of the child, if both parents currently have permanent residence outside the Republic of Kazakhstan, the citizenship of the child born outside the Republic of Kazakhstan is determined with the written consent of the parents. In such cases, it is necessary to take into account the rules of the international agreement and the national legislation of the country of residence of the child’s parents.

There are often cases when one of the parents is a citizen of the Republic of Kazakhstan at the birth of a child. To obtain citizenship of the Republic of Kazakhstan, according to the “law of the soil”, a child must be born on the territory of the state. If the child was born outside the Republic of Kazakhstan, the parents must prove that they have a place of residence in the country at the time of his birth. However, these requirements do not apply to the citizenship of a child born as a common citizen of the Republic of Kazakhstan and a stateless person. The law States: “a child is a citizen of the Republic of Kazakhstan, regardless of where the child was born, when one of the parents is a citizen of the Republic of Kazakhstan, and the other is a stateless person, or his citizenship is unknown.”

In the Republic of Kazakhstan, there are two main ways to obtain citizenship: it is issued at birth and citizenship can be obtained as a result. After gaining independence in 1991, Kazakhstan gave citizenship to all people who lived on the border of the country at that time, and then in most countries of the former USSR, civil rights were transferred only on an ethnic basis.

Given that the state is not able to grant the same rights to all citizens, stateless persons, refugees, and internally displaced persons, the rights and obligations enshrined in the Constitution may differ from those of its citizens. For example, the totality of the relevant rights of citizens is related to the political life of the country (the right to elections and election) [Sherer, 1994, p.43]

Citizenship of the Republic of Kazakhstan is regulated by the law “on citizenship of the Republic of Kazakhstan “ of December 20, 1991. This law recognizes the following persons as citizens of Kazakhstan:

- Permanently residing on the territory of the Republic until the date of entry into force of this Law, i.e. until March 1, 1992;

Persons who have obtained citizenship in accordance with the rules and requirements established by this Law.

Citizenship of the Republic of Kazakhstan is granted by birth – as a result of accepting citizenship, that is, by naturalization, or on the grounds and in accordance with the procedure provided for by the Law of the Republic of Kazakhstan’ //http://adilet.zan.kz/eng/docs/Z910004800_20 December 1991(Accessdate 02.10.2020)

international treaties of the Republic of Kazakhstan or relevant agreements. Other types of citizenship acceptance provided for by the law include gift of citizenship of the Republic of Kazakhstan (octroized citizenship), return of oralmans for permanent residence in the country (repatriation), restoration of citizenship (reintegration), etc. On the grounds stipulated by international agreements, citizenship can be accepted in two ways: option, transfer. Option-citizenship, which is chosen by the population when the territory of one state is transferred to another state. A transfer means the automatic transfer of citizens of a particular territory to the citizenship of another state along with the entire territory.

The head of state, N.A. Nazarbayev, for various reasons, made immense, persistent actions to return Kazakhs who had resettled in other countries, and to prevent dual citizenship [Aitymbetov, Toktarov, Ormakhanova, 2015, p. 15]. Both citizenship can lead to inequality between a person and a citizen, their fragmentation. For example, a citizen of a certain country is protected by the state in which he lives, has the rights and freedoms of this country, and has the right to protect the interests of this country on the territory of this country. A person who has dual citizenship is protected by two or more States, and has the rights and freedoms of several countries. In the end, this leads to inequality of both, that is, it contradicts the principle of equality of human rights and freedoms.

At the same time, repatriated Kazakhs were allowed to retain dual citizenship of both the former country and Kazakhstan. From 1991 to 2011, about 860 thousand ethnic Kazakhs returned to their homeland. This caused dissatisfaction with the Russian nationality in Kazakhstan, as they suggested that N.A. Nazarbayev be allowed to duplicate Russian and Kazakh citizenship. Russian Russians believe that this policy was deliberately planned, that is, they were deliberate actions aimed at inciting, returning their face to Russia or the former Soviet Union, as well as forcing ethnic Russians to unite together with Kazakhstan and the life of an ethnic Kazakh.

In world science, the problem of studying bipatrim (dual citizenship) not resolved. Due to the lack of a unified scientific approach to this problem, there are many contradictions and conflicts in the legislation on citizenship of different countries. I am sure that the study and the rationale for rejection of bipatrim, that is, dual citizenship is our contribution to world science.

"Being a citizen of the Republic the citizenship of another state is not recognized", - is enshrined in paragraph 3 of article 10 of the Constitution; this is a clear expression that the country refuses dual citizenship. This policy has a great positive impact for Kazakhstan, and it can become an example for other countries, including the UK, whose citizens intend to leave the European Union in the Brexit

referendum. Some scholars view dual citizenship as an unnatural factor that restricts and weakens the country's socio-economic standard of living, violates its security and sovereignty, and excludes the constitutional meaning of such concepts as "citizenship", "nation" and "people".

At the same time, the spread of dual citizenship in a crisis will undoubtedly lead to its further weakening and erosion. As a rule, the more people of a country, the more people with dual citizenship who feel like adherents of other countries, the more the threat of ignorance increases, the division of the national community, the weakening of conflicts and the unity of society. The Deputy of the Majilis Viktor Rogalev believes that paragraph 3 of article 10 of the Constitution of the Republic of Kazakhstan has a clear interpretation, which States that "citizenship of the Republic of Kazakhstan does not recognize the citizenship of another state, that is, does not recognize". According to him, the percentage of people who have dual citizenship in Kazakhstan is lower, which is the number of units who want to use any world for material purposes in both countries at once. This can also be penalized, but there are other factors that provide. Distrust, uncertainty, doubt in everyday life, sometimes even lack of patriotism, disrespect for the Motherland – according to some critics, such people do not bring any good.

The state ensures for its part, the preservation of the citizenship of citizens living outside the country, and the failure of citizens of the Republic to other countries, the protection of such persons, and the preservation of local citizenship in the conclusion or dissolution of marriage, except to the extent that the fundamental principles of citizenship of the Republic of Kazakhstan, including such as hiring, termination of citizenship and equality of citizenship on the grounds established by law [Poltorakov, 2013, p.1015].

The official on citizenship issues in the Republic of Kazakhstan is the President of the Republic of Kazakhstan. The President of the Republic of Kazakhstan makes decisions on admission to citizenship of the Republic of Kazakhstan, on restoration of citizenship of the Republic of Kazakhstan, on exclusion from citizenship of the Republic of Kazakhstan. Preliminary consideration of these issues is carried out by the citizenship Commission established by the President of the Republic of Kazakhstan. Applications for citizenship are submitted through the internal Affairs Department to the President of the Republic of Kazakhstan. The issues of citizenship of citizens living in Kazakhstan relate to the conduct of OVD RK citizens permanently or temporarily residing outside the territory of Kazakhstan, are considered by the Ministry of foreign Affairs and diplomatic missions of the Republic of Kazakhstan.

The constitutional legal status of foreign citizens is enshrined in the Decree of the President of the Republic of Kazakhstan "on the legal status of a for-

zakhstan (until 2025), the concept of strengthening and developing Kazakh identity and unity, approved by the decree of the President of RK from December 28, 2015 No. 147, appeals the ANC.

The Congress of leaders of world and traditional religions is held every two years in Astana. Its mission is also to seek peace, harmony and cooperation. At the V Congress in 2015, I agreed on the following issues: "promoting dialogue with civil society in order to ensure stability and security, prevent and resolve conflicts, prevent violence through reconciliation and negotiations, protect civilians, and call for a peaceful resolution of all conflicts; radical rejection of the method of forcible resolution of any political and religious contradictions both at the national and interstate level".

The concept of citizenship in the Republic of Kazakhstan, first of all, is fixed in the system of normative legal acts. This system can be considered as a set of political and legal acts that strengthen the rights and obligations of the state and the individual. Political and legal acts include the Declaration on state sovereignty of 1990, the constitutional law on state independence and the Constitution of the Republic of Kazakhstan of 1993, which improves the principles of citizenship of the Republic of Kazakhstan. Citizenship of the Republic of Kazakhstan in legal form is concentrated in the Constitution of the Republic of Kazakhstan of 1995 and The law on citizenship of 1991.

The modern development of the institution of citizenship is recognized as a process of improving the regulatory constitutional and legal norms. This stage is characterized by a process of improvement through amendments and additions to the legislation on citizenship, as well as the development of constitutional law. Currently, the citizenship of the Republic of Kazakhstan is determined by the constitutional legal norms that define the basis of the organizational and legal mechanism for organizing citizenship. They determine the structure and functioning of the system of state bodies that regulate the implementation of the institution of civil law.

It should be taken into account that in the legal category "civil" the concept has elements of constitutional law, but for a full and correct understanding and application of this, other areas of law, such as migration law, Labor law, also affect. At

the level of ensuring the constitutional protection of each state, the essence, concept of citizenship, and processes for the acquisition or loss of citizenship are approved by special national laws. At the same time, its significance and correct application in practice are formed through public and international legislation, and this, in turn, depends on the importance of the range of legal relations around the world. The constitutions of the world's States determine the priorities and procedure for applying international norms from national norms. As a rule, the norms established by the Constitution prevail not only over the norms of national legislation, but also over the norms of international treaties. In turn, the norms of international law dominate the norms of national legislation. The norms of national legislation and international law are aimed at the need to establish legal and political relations of each person and citizen with the relevant state. Thanks to this law, a legal norm, States bear political responsibility for their actions before other countries and international organizations [Kozyrev, 2016, p. 49-55].

Conclusion

A comparison of the legal systems of Kazakhstan and the UK allows us to understand, in particular, that the legal norms governing citizenship issues regulate the issues of citizenship of different countries in different ways.

The existence of significant contradictions in the regulation of citizenship in the legal systems of different countries contributes to the emergence of global problems, in particular, the development of centuries-old citizenship. International treaties aimed at resolving conflicts of legal norms may not always help solve such problems.

Improving the rule of law involves the study and scientific justification of the institution of citizenship as the basis of modern statehood. Citizenship of Kazakhstan is equal and equal regardless of the reason for its acquisition. In addition, it is noted that a citizen of the Republic without such conditions can not be deprived of citizenship, the right to change citizenship. The law clearly States that it is impossible to evict a citizen abroad of Kazakhstan, the citizenship of another state is not recognized as a citizen of the Republic.

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