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***D. A. Tyulyubayeva, D. K. Burkhanova**

¹Academy of Public Administration
under the President of the Republic of Kazakhstan,
Republic of Kazakhstan, Nur-Sultan;

²Al-Farabi Kazakh National University,
Republic of Kazakhstan, Almaty.

INSTRUMENTS OF INTERACTION BETWEEN THE STATE AND SOCIETY

The scientific research includes the analysis and results of the existing mechanisms of interaction between the state and society, the authors have identified specific factors that complicate their effective implementation.

Currently, at the stage of implementing the «hearing state» model, there is a complex of unresolved issues related to the improvement of the mechanisms of interaction between the state and society and the need to conduct scientific research in order to bring appropriate reforms and initiatives from state bodies.

At the same time, the authors present new tools and mechanisms of interaction between the state and society. It is necessary to develop new approaches to popularize standard-setting activities and promote existing tools, to ensure proactive information activities of state bodies, including analysis, decision-making and public assessment. To date, these problems have not received proper consideration, development and resolution in the legal plane and scientific theory.

Keywords: society, listening state, law, normative activity, interaction tools.

Introduction

A society means a group of people striving for constant self-development, maintaining spiritual or material principles [1]. The state is understood as a certain political organization of society that guarantees its cohesion and unity, as well as directs all the affairs of society through state instruments [2].

As can be seen from the above two definitions, the definition of society is much broader than the definition of the state. The definition of society includes

four large areas: social, political, spiritual, and economic. The state, in turn, studies mainly the political sphere. This confirms the fact that society and the state today cannot build a democracy without each other. One of the factors hindering the high-quality implementation of their interaction is the lack of effective tools. Unfortunately, the existing tools are not perfect and comprehensive.

The relevance of this article lies in the full study of the above issue, the need for high-quality development, the introduction of effective tools for improving the relationship between the state and society.

Promoting the improvement of the quality of relations between the state and society determines the purpose of the scientific article.

Materials and methods

The materials of the article are based on the analysis of the Law on Access to Information.

Results and discussion

The interaction between the state and society is contradictory: society always appeals to morality, and the state – to political interests. This leads to constant clashes between politics and morality.

This ideology is covered by N. Machiavelli in his work «The Sovereign». The main idea of his work was the political actions of the ruler. He referees the key problematic issues in a peculiar way, he has his own vision and opinion on the management of the state. N. Machiavelli is convinced that morality and politics are mutually exclusive. He believes that in the management of the state, morality does not matter, only a clearly structured policy that contributes to the strengthening of the state is important [3].

For me, the position of I. Kant is close. Unlike Machiavelli, I. Kant definitely connects politics and morality. He believes that morality is a set of absolutely exalted laws according to which we should behave. In solving acute state problems, moral politicians seek to harmonize public administration with the idea of human reason [4].

Thus, the prospect of the relationship between the people and the state is that the state itself will strive to be accountable to society, and society, in turn, will be more state-minded, that is, focused on constructive interaction with the state [5].

Public involvement in government decision-making.

As Magdalena Sepulveda Carmoa noted: «Participation is in itself a fundamental human right, the basis or accelerator for the exercise of other human rights. It is essential in increasing human capabilities» [6].

Why is public participation so important? I have identified 3 main reasons:

- helps you make the best decision;
- increases the transparency of the decision-making process;

– contributes to the strengthening of democracy in the country.

In addition, I believe that the public, first of all, generates an ethnic idea. The ethnic idea is the product of a deep awareness and worldview of citizens, creating the ideal of the people. The ethnic idea arises suddenly, as an epiphany that allows society to respond to the challenge of history later on [7].

At the same time, the following levels of public participation are distinguished:

- manipulation and psychotherapy;
- informing;
- consulting services;
- calm down;
- partnership;
- delegation;
- civil control.

Despite the sufficient number of levels, only 2 levels are used in Kazakhstan: information and consulting.

However, in international practice, information and advice are recognized as minimum levels. In other words, beginner levels that do not lead to changes and do not take into account the opinion and suggestion of the public.

Study and analysis of the experience of foreign countries.

The Estonian Government has developed a legislative Internet forum called «Themis». It works as follows:

- the new bill is published on the website «Themis» with a brief explanation;
- users of the website submit their questions, comments and suggestions;
- the staff of this site prepares a summary of citizens' statements and sends them to the ministry, another state body or to the parliament;
- answers to questions, as well as information about whether comments and suggestions were taken into account, and if not, why, are posted on the Themis website;
- all changes in draft laws are published on the website, the movement of the draft law is tracked, as well as the dates of adoption of the law, its publication and entry into force are published.

The information published on the site is clear to everyone [8].

In Finland, the population has the opportunity to submit their draft laws for consideration in the parliament, through the collection of signatures [9]. The Finnish government has approved a new technology developed by the Open Ministry crowdsourcing platform. The implementation of this technology will allow the citizens of the country to submit their own new bills to the parliament for voting. The developed platform was the result of the formation of the «civil initiative» resource, which allows registered users to put forward their draft laws.

If a proposed bill receives 50,000 votes of support from other registered users within six months, it is submitted to the Finnish Parliament for a vote.

In Canada, there is a long-standing practice of involving the public through so-called «Royal Commissions» [10]:

- 1) they are independent of state bodies;
- 2) have the opportunity to attract researchers and experts;
- 3) have the authority to conduct such hearings, which may not be conducted by the ministries.

Available tools for interaction between the state and society.

To date, in Kazakhstan, certain measures have already been taken to improve the interaction between the state and society:

- consideration of citizens' appeals;
- conducting a personal reception of citizens;
- holding final meetings of managers with the population;
- formation of public councils;
- public participation in standard-setting activities;
- posting information on official Internet resources and social networks.

These measures are quite effective, but there is no systematicity in their application. Systematicity and sequence are an effective indicator of the success of the government of any state. For example, the leading government in the United Kingdom quite often, at a systematic level, carried out various reforms. These reforms have contributed to the improvement of public administration: it has become people-oriented [11].

Identify gaps in existing tools and implement more effective ones.

Based on the above existing tools, I have identified 3 tools that are poorly functioning at the moment and require high-quality improvement.

Consideration of citizens' appeals. One of the factors hindering the high-quality implementation of the right of citizens to appeal is that the current legal framework of Kazakhstan is not a perfect, comprehensive system that constructively meets all the needs of the population.

The institution of citizens' appeal is not perfect today and needs effective and high-quality improvement. There is a formalized approach to the functioning of this institution. There is a different degree of efficiency in different departments, and there are no uniform standards for the quality of responses.

There is also a problem in the procedure for reviewing the application. For example, the same appeal can be submitted to 5 different state bodies. The state authorities, in turn, provide 5 differential responses for one appeal. Subsequently, in the Committee on Legal Statistics and Special Accounts of the Prosecutor

General's Office of the Republic of Kazakhstan, the same appeal will be recorded as 5 different ones.

I see the solution to this problem as the creation of a single center for receiving citizens' appeals. This body will initially record this request in the database, send it to the state body in whose competence it should be considered, in order to avoid duplication in the future. The main task of this center will be to organize the reception of appeals, providing citizens with advice and answers to standard questions.

Also, in order to establish feedback with the population on the E-Government portal, it will be possible to install a section on assessing the satisfaction of the population with responses to their requests. Automatic notifications about the receipt and registration number of the appeal will also significantly simplify the entire procedure for considering citizens' appeals. A system of material and non-material incentives for the effectiveness of working with citizens' appeals will improve the quality of consideration of appeals.

Involvement of society in normative activity.

To date, the portal «Open RLA» operates in Kazakhstan. It was created as a platform for discussing draft legal acts until they are approved by state and local executive bodies.

Unfortunately, this platform is of a formal nature and does not have the proper effect due to the limited use of the population due to lack of awareness. As a result, there is criticism from the public on the already adopted normative legal acts.

What is the main reason for this problem? Often, the head of a state body conducts a public discussion at his own discretion. The burden of promoting the development, discussion and adoption of normative legal acts, including draft laws, rests solely on the State apparatus.

If the draft law is published on the portal, another problem arises: the texts are difficult for ordinary citizens to understand.

In this regard, in order to maximize the involvement of society in norm-setting activities, it is necessary to take effective measures to popularize and promote existing instruments, implementing the above-described international experience of Estonia and Finland. It is also necessary to simplify the texts of laws for the general understanding of citizens. As Thomas Jefferson said: «Laws are made for ordinary citizens, for this reason they should be based on simple rules in an accessible language».

Posting information on official Internet resources and social networks.

Earlier, I conducted an operational assessment of state bodies according to the criterion «Filling the official Internet resource».

As the assessment showed, the key problems for government agencies were: the lack of updating of the posted information or its incompleteness, incorrect display of information, the presence of inactive links, the lack of analysis of all incoming questions, suggestions and complaints of citizens.

Despite the regulation of Article 16 of the Law «On Access to Information» [12], state bodies continue to formally post information on the website.

Therefore, I consider it necessary to develop a new approach to ensure proactive information activities of state bodies:

- 1 Analysis of incoming questions and requests from citizens;
- 2 Development of alternative solutions and discussion with experts;
- 3 Choosing a solution and taking the necessary measures;

Conclusion

1 At the moment, there is a lack of effective relevant initiatives on the part of State authorities. It is advisable to build a systematic and consistent system of tools for improving the quality of public administration.

2 Create a single center for receiving citizens ' appeals. Set a section for evaluating the satisfaction of the population with the responses to their requests, as well as automatic notifications about the receipt and registration number of the request.

3 The participation of the society in the state affairs of Kazakhstan is at a low level. This directly determines the borrowing of international experience. After all, the above-described international experience shows that a fairly effective system of relations between the state and the people has been built in foreign countries, regulating the mandatory consideration of public opinion when making state decisions.

5 Simplify the texts of laws. Take effective measures to promote norm-setting activities and promote existing instruments of interaction between the state and society.

I am sure that these effective tools will increase the interest of society, form a constructive dialogue with the population and strengthen trust in public authorities.

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*Д. А.Тюлюбаева¹, Д. К. Бурханова²

¹Қазақстан Республикасы Президентінің жанындағы

Мемлекеттік басқару академиясы,

Қазақстан Республикасы, Нұр-Сұлтан қ.,

²Әл-Фараби атындағы Қазақ ұлттық университеті,

Қазақстан Республикасы, Алматы қ.

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МЕМЛЕКЕТ ПЕН ҚОҒАМНЫҢ ӨЗАРА ІС-ҚИМЫЛ ЖАСАУ ҚҰРАЛДАРЫ

Ғылыми зерттеу мемлекет пен қоғамның өзара іс-қимылының қолданыстағы тетіктерін талдау мен нәтижелерін қамтиды, авторлар оларды тиімді іске асыруды қиындататын нақты факторларды анықтады.

Қазіргі уақытта «халық үніне құлақ асатын мемлекет» моделін енгізу кезеңінде мемлекет пен қоғамның өзара іс-қимыл тетіктерін жетілдірумен және мемлекеттік органдар тарапынан тиісті реформалар мен бастамаларды келтіру мақсатында ғылыми зерттеу жүргізу қажеттілігімен байланысты шешілмеген мәселелер кешені сақталуда.

Сонымен қатар, авторлар Мемлекет пен қоғамның өзара іс-қимылының жаңа құралдары мен тетіктерін ұсынды. Норма шығармашылық қызметті танымал ету және қолданыстағы құралдарды ілгерілету, талдауды, шешімдер қабылдауды және қоғамдық бағалауды қамтитын мемлекеттік органдардың проактивті ақпараттық қызметін қамтамасыз ету бойынша жаңа тәсілдерді әзірлеу қажет. Осы уақытқа дейін бұл проблемалар құқықтық жазықтықта және ғылыми теорияда тиісті түрде қаралмады, дамыды және шешілді.

Кілтті сөздер: қоғам, еститін мемлекет, заң, норма шығармашылық қызмет, өзара әрекеттесу құралдары.

*Д. А. Тюлюбаева¹, Д. К. Бурханова²

¹Академия государственного управления
при Президенте Республики Казахстан,
Республика Казахстан, г. Нур-Султан;

²Казахский национальный университет имени аль-Фараби,
Республика Казахстан, г. Алматы.

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ИНСТРУМЕНТЫ ВЗАИМОДЕЙСТВИЯ ГОСУДАРСТВА И ОБЩЕСТВА

Научное исследование включает в себя анализ и результаты имеющихся механизмов взаимодействия государства и общества, авторами определены конкретные факторы, затрудняющие их эффективную реализацию.

В настоящее время, на этапе внедрения модели «слушающего государства», сохраняется комплекс нерешенных вопросов, связанных с совершенствованием самих механизмов взаимодействия государства и общества и необходимостью проведения научного исследования в целях приведения соответствующих реформ и инициатив со стороны государственных органов.

Вместе с тем, авторами представлены новые инструменты и механизмы взаимодействия государства и общества. Необходимо разработать новые подходы по популяризации нормотворческой деятельности и продвижению действующих инструментов, по обеспечению проактивной информационной деятельности государственных органов, включающий анализ, принятие решений и общественную оценку. До настоящего времени эти проблемы не получили должного рассмотрения, развития и разрешения в правовой плоскости и научной теории.

Ключевые слова: общество, слышащее государство, закон, нормотворческая деятельность, инструменты взаимодействия.

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«Toraighyrov University» баспасы

Торайғыров университеті

140008, Павлодар қ., Ломов к., 64, 137 каб.

8 (7182) 67-36-69

e-mail: kereku@tou.edu.kz

vestnik-humanitar.tou.edu.kz