

ISSN 2518-1483 (Online),
ISSN 2224-5227 (Print)

2019 • 4

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
ҰЛТТЫҚ ҒЫЛЫМ АКАДЕМИЯСЫНЫҢ
БАЯНДАМАЛАРЫ

ДОКЛАДЫ

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК
РЕСПУБЛИКИ КАЗАХСТАН

REPORTS

OF THE NATIONAL ACADEMY OF SCIENCES
OF THE REPUBLIC OF KAZAKHSTAN

PUBLISHED SINCE 1944



ALMATY, NAS RK

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«Қазақстан Республикасы Ұлттық ғылым академиясының баяндамалары»

ISSN 2518-1483 (Online),

ISSN 2224-5227 (Print)

Меншіктенуші: «Қазақстан Республикасының Ұлттық ғылым академиясы» Республикалық қоғамдық бірлестігі (Алматы қ.)
Қазақстан республикасының Мәдениет пен ақпарат министрлігінің Ақпарат және мұрағат комитетінде 01.06.2006 ж.
берілген №5540-Ж мерзімдік басылым тіркеуіне қойылу туралы куәлік

Мерзімділігі: жылына 6 рет.

Тиражы: 500 дана.

Редакцияның мекенжайы: 050010, Алматы қ., Шевченко көш., 28, 219 бөл., 220, тел.: 272-13-19, 272-13-18,
<http://reports-science.kz/index.php/en/archive>

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Типографияның мекенжайы: «Аруна» ЖК, Алматы қ., Муратбаева көш., 75.

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Доклады Национальной академии наук Республики Казахстан»

ISSN 2518-1483 (Online),

ISSN 2224-5227 (Print)

Собственник: Республиканское общественное объединение «Национальная академия наук Республики Казахстан» (г. Алматы)

Свидетельство о постановке на учет периодического печатного издания в Комитете информации и архивов Министерства культуры и информации Республики Казахстан №5540-Ж, выданное 01.06.2006 г.

Периодичность: 6 раз в год.

Тираж: 500 экземпляров

Адрес редакции: 050010, г.Алматы, ул.Шевченко, 28, ком.218-220, тел. 272-13-19, 272-13-18

<http://reports-science.kz/index.php/en/archive>

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Owner: RPA "National Academy of Sciences of the Republic of Kazakhstan" (Almaty)

The certificate of registration of a periodic printed publication in the Committee of Information and Archives of the Ministry of Culture and Information of the Republic of Kazakhstan N 5540-Ж, issued 01.06.2006

Periodicity: 6 times a year

Circulation: 500 copies

Editorial address: 28, Shevchenko str., of 219-220, Almaty, 050010, tel. 272-13-19, 272-13-18,

<http://reports-science.kz/index.php/en/archive>

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Address of printing house: ST "Aruna", 75, Muratbayev str, Almaty

**REPORTS OF THE NATIONAL ACADEMY OF SCIENCES
OF THE REPUBLIC OF KAZAKHSTAN**

ISSN 2224-5227

<https://doi.org/10.32014/2019.2518-1483.115>

Volume 4, Number 326 (2019), 57 – 60

JEL 341.21

Z.K.Ayupova¹, D.U. Kussainov²¹Kazakh national agrarian university, Almaty, Kazakhstan;²Kazakh national pedagogical university named after Abai, Almaty, Kazakhstan**ROLE OF INTEGRATION PROCESSES IN HARMONIZATION
OF THE LEGAL SYSTEMS OF CENTRAL ASIAN COUNTRIES**

Abstract. Legal integration is the modern stage of evolutionary development of law, consists of complex of the legal processes, based on the achievement of equilibrium of the legal systems of the states, within the framework of single model of the legal system. Doctrine shows the different forms of the evolutionary development of law, the legal integration between the legal systems of the states. Undoubtedly, the problem of scientific understanding of the relation of integration association and international law is one of the most urgent and complex issues of theory and practice in modern jurisprudence. Interaction, mutual influence, differentiation of terms of reference for the international and integration law under the influence of modern globalization processes, multidisciplinary scientific problem, which has important theoretical and practical value. Exploring ways of mutual penetration of the rules of one legal system to another, as well as to what extent the norms of integration law may come into conflict with obligations of states under international law and how integration associations should act in these cases is the key issue.

Key words: integration, globalization, harmonization, legal system, legal family, international law, international legal order, model, unification, systematization.

Deepening the process of integration between Kazakhstan and South Korea requires an increasingly in-depth study of international legal mechanisms through the prism of ensuring the further development of economic, social and cultural aspects. Therefore, in this article we would like to reveal the modern mechanisms of international legal integration. Undoubtedly, the most important form of legal integration in the present period of the history of Kazakh-South Korean relations is the modern international law. This provision is the main conclusion of this article, and is based on the analysis of all applicable scientific and theoretical provisions and the necessary information.

In this aspect of the study, international law is not seen as a system designed to ensure international security and cooperation, the protection of human rights and the implementation of other principles of international law. International law is considered as a tool and a form of global legal integration of state legal systems, and, accordingly, the so-called legal families. There are doctrinal opinions that suggest that at the present stage of globalization there is a tendency of “formation of international law as a necessary tool for regulating social relations, and as an adequate and appropriate system of legal regulation of national and international processes in the context of globalization” [1, P.87]. At the same time as the recognition of such a provision, it is impossible to speak of international law only as an instrument of international legal integration. Most of the works devoted to the definition of the essence and meaning of international law consider it through the prism of legal customs that form the basis of international law (the so-called principles of international law). In this particular case, it is important for us to speak about the understanding of international law as a tool for achieving certain goals, since the direction of development of international law and, accordingly, globalization through legal integration is formed on the basis of the goals of international policy.

For example, many scholars consider international law in conjunction with the international legal system of relations and relevant institutions. The modern system of principles, which is the skeleton of the modern world legal order, was formed after the second world war and is based on the UN Charter, which for the first time formed the main objectives of the international legal order and international policy in this

new era – the peaceful coexistence of States and the protection of human rights. For the first time, these two principles have been the focus of attention in the international arena, and it is from them that the modern system of coordinates for international politics emerges. Thus, many scholars see the significance of international law after the Second World War precisely in the fact that it has become an instrument for the peaceful coexistence of States and international security. For example, Vereshchetin V.S. and Mullerson R.A., speaking about the primacy of international law in international politics, note that “although international law has existed since ancient times, changes in the world community and in the nature of international law itself have given it a completely new meaning. The fact that in the past was considered only as one of the attributes of foreign policy, a means to justify their actions or, conversely, accusations of political and ideological opponents, turns into an important way to solve the main problems of our time” [2, P.81]. In this particular case, many scholars point out that international law should not be seen only in the light of the stated goals and principles, since international law is a set of interests of States, the change of which leads to a change in international law. Moreover, international law is regarded as an unreliable guarantor of the implementation of the principle of peaceful coexistence of States, since international law itself needs additional guarantees [3, P.26].

Some scholars approach the understanding of international law from a broader perspective. For example, Pozdnyakov E., Shadrina I. considered international law as part of the “international system”, by which he respectively understood States, organizations (international, interstate), various associations of States, Nations and peoples fighting for independence, and some state-like entities [4, P.26]. Another understanding of international law and its role is given in the article “International law in the era of globalization: some conceptual and substantive characteristics”, which notes that one of the most popular modern concepts, which embodied the skeptical attitude of a certain part of scientists, politicians and lawyers to international law, was the theory of “world management”. Its proponents propose to consider the traditional area of international law in the broader context of “regimes” of world politics. The totality of these regimes in various spheres of world politics and is, from their point of view, the body of “world management”, which acts as the main regulatory beginning of modern world processes [5, P.96].

In the context of our article, this approach is more applicable, as it speaks about the role of international law as an instrument that creates a common direction of development of international policy, and, accordingly, contributes to the convergence of the legal systems of the Republic of Kazakhstan and South Korea. Figuratively speaking, international law, setting the rules of the game in the international arena, contributes to the legal rapprochement of our States. The Republic of Kazakhstan partially participates in the creation of these “rules of the game” and brings a particle of peculiarities and originality of its legal validity to these rules. Thus, our country is under continuous mutual influence and interaction, as by creating rules, they also adapt to these rules, thereby changing their legal validity and legal system. And although currently decentralization in the world legal order established by international law is rather high and the structure of this legal order is poorly integrated, it should be noted the fact (this is also noted by the doctrine [6, P.61] that the international community is steadily developing in the direction of increasing integration of its subjects, which creates objective prerequisites for the growing influence of non-power, including legal, factors. In this regard, it is important to understand the wave-like and abrupt nature of globalization in general, globalization of law in particular, and especially the processes of legal integration. In legal integration, the processes of unification and differentiation are inseparable parts of the General orientation. This common orientation leads to a common law and order, which will be in demand in the “global society”. This is reflected in the fact that even when we see both negative and positive dynamics of legal integration, the general orientation leads forward to the creation of an integral system of law, which will be the fruit of universal mutual integration. Some authors partially agree with this direction of integration [7, P.49]. It is noted that even the presence of various evidence of differentiation and disintegration, however, does not negate the fact of the presence of many evidence to the contrary, confirming the steady movement of humanity towards a more sustainable and holistic international community. In recent years, there has been a tendency to reduce the capacity of national governments to deal with pressing problems on a local, state-limited scale, without close coordination with each other. Integration processes taking place today in the political, economic, information, spiritual spheres, cause the need for closer interaction of state-political systems, the basis of legal regulation of which can only be international legal norms.

In the light of these reasons, international law can indeed be seen not only as a tool for achieving specific goals (for example, for the protection of peace or human rights, etc.), but as a tool through which the most significant stage of globalization is carried out legal integration (and the formation of a single model of the legal system). Thus, the role of the process of legal integration through the development of international law is clearly visible. This tool through “unification of domestic legislation of individual countries, harmonization and convergence of national legal systems” [7, P.50] objectively leads in the long term to the formation of a single legal space. At the same time, some scholars note that it is impossible to “artificially intensify the process of increasing the role of international law, as it can lead to the opposite results. The scope and nature of the requirements of international legal norms should objectively correspond to the existing interest of the Republic of Kazakhstan and South Korea in the universal mechanism of regulation of certain types of social relations” [7, P.51].

Even today, international law, despite the criticized weakness in addressing specific issues, still plays a huge role in the universalization of the law of all countries. And although, indeed, there is a part of the declared norms that are not implemented, this fact does not speak about the ineffectiveness of international law as a means of legal integration, as it is a matter of law enforcement in the short term. What is more important is the long-term perspective, where the rule that caused the rejection of a particular legal system eventually becomes an integral part of it. Within the framework of the general globalization, the fact of unification of legislation is more important than the issues of its momentary conscientious implementation.

In this role of international law it is also impossible not to see the global dynamics of development and the global goal of achieving justice and reasonableness in the coexistence of societies and States. These two concepts were the goal and requirements of any management system at any stage of human development. It is justice and reasonableness as an expression of the effectiveness of the interaction of the constituent units of the system in the process of self-regulation that were declared as components of any governance - monarchical, democratic, totalitarian, etc.

In the conclusion we would like to note, that in recent decades there has been a significant expansion of the range of social relations that make up the subject of its legal regulation is a clear evidence of the increasing effectiveness of international law as an instrument of legal integration and globalization of law. At the same time, this process of expansion is expressed not only in the regulation of new areas of interstate cooperation, but also (remarkably) in the deep penetration of the regulatory impact of international legal norms in the sphere of domestic relations. Thus, modern international law helps the integration of socio-cultural life of the Republic of Kazakhstan and South Korea, which are moving to a new stage of relations on the basis of friendly relations between our countries.

З.К. Аюпова, Д.Ө. Құсайынов

ОРТАЛЫҚ АЗИЯ МЕМЛЕКЕТТЕРІНІҢ ҚҰҚЫҚТЫҚ ЖҮЙЕСІН ГАРМОНИЗАЦИЯЛАУДАҒЫ ИНТЕГРАЦИЯЛЫҚ ПРОЦЕССТЕРДІҢ РОЛІ

Аннотация. Әлемде жүріп жатқан жаһандану процесстері, экономикалық және саяси дағдарыстар Орта Азия республикаларын бір-бірімен экономикалық байланыстарын нығайта түсуді талап етеді. Әрине, осы экономикалық және басқада қарым-қатынастардың құқықтық және заңнамалық негіздерін қалыптастыру ауадай қажет процесс. Сондықтанда, осы мемлекеттердің құқықтық жүйелерін гармонизациялап, бір-біріне үйлесімді етіп жетілдіру әрі теориялық, әрі практикалық мәселе. Ол құқықтық интеграцияны талап етеді. Ал енді құқықтық интеграция-бұл құқықтық жүйенің бірыңғай моделі шеңберінде мемлекеттердің құқықтық жүйелерінің тепе-теңдігіне қол жеткізуге бағытталған заң процесстерінің кешенінен тұратын құқықтың эволюциялық дамуының қазіргі сатысы. Бұл доктринада құқықтың эволюциялық дамуы өтетін әр түрлі формалар мен бірыңғай құқықтық өріс құрылатын және мемлекеттердің құқықтық жүйелері арасында құқықтық интеграция жүргізілетін әр түрлі әдістер туралы көзқарастар мен пікірталастар айтылады. Осы пікірталастар негізінде белгілі бір жүйеге келтірген, өмір талаптарына сай құқықтық мемлекет принциптеріне сүйене отырып жасалған, жетілген құқықтық жүйе қалыптасады.

Түйін сөздері: интеграция, жаһандану, үйлестіру, құқықтық жүйе, құқықтық жануя, Халықаралық құқық, әлемдік құқық тәртібі, модель, унификациялау, систематизациялау.

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РОЛЬ ИНТЕГРАЦИОННЫХ ПРОЦЕССОВ В ГАРМОНИЗАЦИИ ПРАВОВЫХ СИСТЕМ СТРАН ЦЕНТРАЛЬНОЙ АЗИИ

Аннотация. Правовая интеграция – это современная стадия эволюционного развития права, состоящая из комплекса юридических процессов, направленных на достижение равновесия правовых систем государств в рамках единой модели правовой системы. Доктрина говорит о разных формах, в которых проходит эволюционное развитие права и о разных методах, которыми строится единое правовое поле и проводится правовая интеграция между правовыми системами государств. Правовая интеграция правовых семей романо-германского, общего и религиозно-общинного права пройдет в два этапа: взаимная интеграция романо-германского и общего права в единую модель правовой системы, и одностороннее поглощение правовых систем семьи религиозно-общинного права. Эти положения являются основными выводами данной части исследования, и сделаны на основе анализа всех применимых научно-теоретических положений и необходимой информации. Далее представлен процесс рассмотрения и изучения всех соответствующих элементов и доводов обоснованности заявляемых положений. Существуют различные классификации, составленные учеными разных стран в разные периоды истории, но используемая классификация является наиболее подходящей для данного исследования и наиболее полно отражающей современное состояние глобализации права.

Ключевые слова: интеграция, глобализация, гармонизация, правовая система, правовая семья, международное право, мировой правопорядок, модель, унификация, систематизация.

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www.nauka-nanrk.kz

ISSN 2518-1483 (Online), ISSN 2224-5227 (Print)

<http://reports-science.kz/index.php/en/archive>

Редакторы *М. С. Ахметова, Т.А. Апендиев, Д.С. Аленов*
Верстка на компьютере *А.М. Кульгинбаевой*

Подписано в печать 12.08.2019.
Формат 60x881/8. Бумага офсетная. Печать – ризограф.
11 п.л. Тираж 500. Заказ 4.