



# Law in Kazakhstan

## Theory of State and Law

Prepared on the basis of the lectures of Zhenis  
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# Social Norms

- Norms of Law
- Norms of Moral
- Norms of Custom
- Norms of Religions
- Corporative Norms

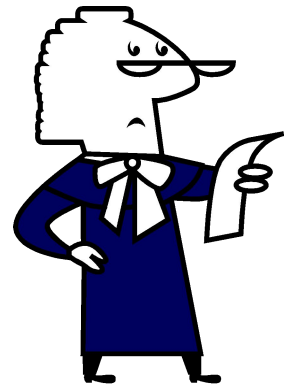
# Law

Law is the system of special norms which are set and protected by state and binding for all members of society.



# Attributes of Norms of Law

- Norms of law are adopted by state
- Norms of law constitute a system
- Norms of law are binding for all persons
- Norms of law are protected by state
- Violation of norms of law results in juridical liability



# Elements of the system of Law

- Norms of Law – rules adopted by state
- Branches of Law – complexes of similar rules



# Branches of Kazakhstan's Legal System

- Constitutional law
- Administrative law
- Criminal law
- Land law
- Civil law
- Labor law
- Family law
- Proceedings law: criminal, civil and administrative proceedings law
- Agricultural law
- Environmental law
- Financial law
- etc.

# Branches of international law

- International private law
- International public law



# Public and Private Law

- Public Law
  - Based on Imperative Method of Regulation (Subordination)
  - Includes Constitutional Law; Administrative Law; Criminal Law; Land Law; Criminal and Civil Proceedings Law; Agricultural Law; Ecological Law; Financial Law; International Public Law, etc.
  - Includes partially also Labor Law and Family Law.
- Private Law
  - Based on Dispositive Method of Regulation (Coordination)
  - Includes Civil Law; International Private Law, partially also Labor Law and Family Law.

# Principles of Law

- Equality before the Court and Law
- Combination of Rights and Obligations
- Justice
- Humanism
- Democratism
- Combination of Positive and Natural Law
- Combination of Compulsion and Persuasion

# Features of State

State is an organization of the political sovereign power which spreads its jurisdiction over certain territory and population living on it.

- Sovereign State Power
- Territory
- Population
- Legal System
- Tax System

# Functions of State

- Internal Functions
  - Protective Function
    - Legal Order
    - Protection of Human Rights and Freedoms
  - Regulative Function
    - Economic Relations
    - Financial Relations
    - Tax Relations
    - Social Relations
    - Cultural Relations
    - Ecological Relations
- External Functions
  - Defense and Security
    - Armed Forces
    - Defense Infrastructure
    - Participation in Military Alliances
  - Foreign Policy and International Cooperation

# Forms of State

Various kinds of States may be differentiated according to the following criteria:

- Form of Government
- Form of State Structure
- Form of Political Regime

# Form of Government

## Monarchy

- Absolute
- Dualistic
- Constitutional



## Republic

- Parliamentary
- Presidential
- Mixed



# Forms of State Structure

- Unitary State
- Federation
- Confederation



# Form of Political Regime

- Totalitarian



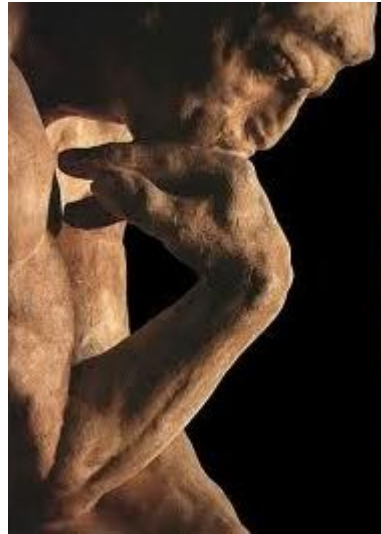
- Democratic





# Theories of Origin of State and Law

- Theological Theory
- Contractual Theory
- Organic Theory
- Irrigational Theory
- Theory of Violence
- Economic (Marxist) Theory
- Psychological Theory



# Rule-of-Law State

Rule-of-Law State is a state the activities of which are based on the principles of law and the main purpose of which is the observance and protection of human rights and freedoms.

# Attributes of Rule-of-Law State

- Recognition of an individual as the highest value;
- Observance and protection of human rights and freedoms;
- Legality (Lawfulness);
- Correspondence of the national legislation to the universal principles of international law;
- Division of Power
- Independent and Effective Judicial Power;
- Public Control over the State Organs, Transparency;
- Political Pluralism;
- Economic Freedom – Inviolability and Protection of Private Property
- Mutual Responsibility of the State and an Individual;
- Civil Society is the Society of Free, Independent, Educated, Politically Active People

