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## ВЕСТНИК

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Адрес типографии: ИП «Аруна», г. Алматы, ул. Муратбаева, 75

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doctor of chemistry, professor, academician of NAS RK

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**Z. K. Ayupova<sup>1</sup>, D. U. Kussainov<sup>2</sup>, Zh. M. Madalieva<sup>2</sup>,  
G. N. Mussabayeva<sup>3</sup>, G. D. Rakhimova<sup>2</sup>, Z. Ch. Chikeeva<sup>4</sup>**

<sup>1</sup>Kazakh national agrarian university, Almaty, Kazakhstan,

<sup>2</sup>Kazakh national pedagogical university named after Abai, Almaty, Kazakhstan,

<sup>3</sup>Northern-Kazakhstan's state university named after M. K. Kozibayev, Petropavlovsk, Kazakhstan,

<sup>4</sup>Kyrgyz-Russian Slavic university named after B. N. Eltsyn, Bishkek, Kyrgyzstan.

E-mail: zaure567@yandex.ru

## **ABOUT METHODOLOGICAL BASES OF STUDYING OF THE MODERN GLOBALIZATION**

**Abstract.** The Republic of Kazakhstan, as well as all countries of the world, today actively participates in the interstate and global relations. Consequences of such involvement into the processes of globalization are shown in the most different spheres of public and state life, causing corresponding changes in the legal system, in an institutional structure of the state and the maintenance of the public relations. The entity of the globalization relations expresses in enlargement and consolidation of the public relations through certain objects of integration and step-by-step incorporation of all mankind in uniform community with the system of the harmonious relations. Driving force of the process of globalization lays in the system of society and the public relations in global scale. It expresses that the public relations represent self-regulating system, i.e. all public relations as a pattern are the part of one rather wide, single system, which has the appropriate functions of self-regulation. Self-regulation carries to improving of correlations between structural parts of the system and to increase the efficiency of such correlations. Thus, people, groups, communities and societies in the foreign states all over the world are in process of mutually integration all the time.

**Keywords:** integration, legal integration, law development, globalization, international law, legal families, legal system, unification, self-control, public relations.

The driving force of self-control system of the public relations causes development of the society in the course of globalization, directed on preservation and survival society through the formation of the global society with the global legal system and legislation on the basis of justice (order, efficiency and compromise of interests). The global legal system and legislation is the social form and manifestation of self-control of the public relations, which have been expressed in a certain system of regulation and management the public relations.

The term “globalization” is the main term, used for designation of the specified processes in the modern research works; there do exist also other concepts, such as “internationalization”, “universalization”, and many others [1]. In our research used the term “globalization”. This term was appeared last century and in modern meaning defines the events of the global character in the XX century [2]. We guess that it is quite necessary to apply the term “globalization” in order to research the history of the mankind and the answers to the global questions and problems, such as world wars, environmental problems, problems of exhaustion of natural resources, terrorism, development of the nuclear weapon, etc. This point of view on the development of globalization in XX and XXI centuries is noted by many scientists. However, there are many different theories in the society, which explain the peculiarities and advantages of such process as “globalization”. In the present period of history rates and development of globalization are really visible, but it is only one of the periods of developments/stages of globalization, which was preceded to other stages of the development of humanity on the way of the creation of so-called “global society”.

The question of evolutionary development of the law is inseparably linked with the general process of globalization, the process of globalization of the public relations. As it is already noted, this process of the general globalization began with the moment of formation of the first public relations, and many scientists determine this moment by the beginning of origin of mankind more than 10-12 million years ago.

It is necessary to take up a question of globalization history. A. Filippov believes, that “the history of the global relations” began with interaction of the neighbors (tribes and ethnos), proceeding in various forms of war and peace, an exchange and resettlement of the people [3].

Some foreign authors also note, that globalization processes as social and economic phenomenon, began long ago, when all mankind was still nomadic, before agriculture emergence [4]. For example, Verlag Dr. Muller doesn't consider globalization as a phenomenon of the present and notes that “the aspiration to more close social, economic and political relations between individuals, groups and the countries is same old, as well as modern [4].

The following expression is indicative: “We endure consciousness of global society of such scale, which wasn't necessary to mankind yet. We really observe emergence of mankind as collective operating. “Globalization” is all those processes, when the people all over the world are incorporated in uniform world society, “global society” [3].

Thus, globalization is considered as historical process of integration, which began with the moment of formation of the first public relations. The essence of the integration relations is expressed in integration and consolidation of the public relations through certain objects of integration and gradual incorporation of all mankind in uniform community.

“The global history is a manifestation of coherence, interference, synchronization and coherence of processes and events in the most different points of the world (at all their divergence and inclusiveness in various historical, sociocultural contexts)” [4].

Scholar's opinions that globalization, as the process, was connected with rise of international trade and stream of investments. Also we can't forget about the beginning of globalization in this period, considerable events of global character: systems of division of the world into time zones and estimates of dates, the appearance of Gregorian calendar, the international system of cable communication, etc.

Today all points of view explain three basic provisions:

- globalization began at “history dawn”;
- globalization arose along with origin of the capitalist relations (the beginning of the XVI century) or from the moment of expansion capitalist the world system (the XVIII century);
- globalization is the unique phenomenon of the contemporary history, connected with formation of information society.

Scholars, lawyers and philosophers' defined essence and content of will of the person as interest, expression, content of wills. Thus, this interest is expressed the peculiarities of justice in the different countries. In this regard justice is expressed in the accounting of all interests and achievement of a compromise of interests for general welfare. It is criterion of the internal content of the concept “justice” is the compromise of interests in the society, protected by the public order. It is very important to talk about the moral aspect, emotions, love and hate, and their role in law. Love and hate are emotions that are universally embedded in the psychosocial experience of humanity. The theme of this conference dealing with the perils and possibilities in the XXI-st century of the “anthropocene crisis” may well be challenged by the affirmation of positive sentiment (affection) or its depreciation (negative sentiment), hate. Law and culture ubiquitously prescribe the boundaries of these emotions in human interaction in ways that are often unacknowledged and surprising. The importance of emotion of love or hate is its salience for the person and for the survival and success of social organization.

A social process, which succeeds in reproducing and sustaining the idea of love in the biography of each individual, may perhaps be more successful in the satisfaction of human needs and aspirations. Here we broaden the idea of love and suggest that it reflects the critical importance of affect or affection. Perhaps a less controversial way to express this is to see affect as included in the still broader idea of positive sentiment. The idea of positive sentiment includes such important values as compassion, empathy and affection.

It is widely accepted that newborn children may not survive the experience of the ubiquitous deprivation of affection. If they survive, they may develop pathologies, which may therefore reproduce

personality types that are possibly lethal and destructive. Such personality types may in effect displace the deprivations that they have experienced in innocuous processes of childcare, in ways that make the relationship between personality, culture and politics important for morality, law and culture. Society may reproduce personality types not socialized or acculturated to the values of affection, empathy and compassion, but to a predisposition or orientation that enhances the capacity for negative sentiment and its displacement on others. In worse case scenarios, it is possible that society reproduces the psychopathological personality which finds gratification in the ruthless exercise of domination and extermination of those it imagines as threats - non-self others.

In confirmation of validity and importance of provision on “a compromise of interests” in the context of the concept “justice” let us remember Hegel and Nietzsche's opinions. In Hegel's definition “justice concerns respect the rights of other people...”, and in F. Nietzsche's definition “justice is, therefore, requital and an exchange on condition of approximate equality of forces”. This approach just allows us to speak about a compromise of interests in the context of the concept “justice”.

Economic relations as globalization engine are the most widespread, and many scientists consider economic relations (economic interdependence) as the engine and the basis of globalization. Globalization is often considered as the social and economic phenomenon, which is inseparably linked with a question of formation of the public relations at the supranational level, so-called “supra-national level of governance”.

Many foreign and domestic researchers insisted on the links of the development of the globalization with information and communication technologies. For example, mobile phones, computers, and the Internet express (reflect) the main symbols of globalization: cellular phones, computers, and the Internet reflect the symbols of globalization. The impact of globalization in the concept of state sovereignty in international law can combine the computerization process and the development of telecommunication network, which cause the information revolution, which leads to the interdependence of participants in international relations.

Globalization is necessary processes, in which nation-states and their sovereignty are intertwined by the transnational authors and their capabilities, orientation and identity.

We realize that in the war on terror there are sufficiently credible threats to security that may be used for purposes of acquiring political power by the exploitation of the dynamic of insecurity. In fact, in the war on terror in the different countries, a key statute has the short title of “The Patriot Act.” The title has carried an implication that those who are disquieted by the great allocations of power to the executive may well be suspect in terms of their commitment and loyalty to patriotism in this context. There is also interest in the psychology and the function of sentiment in the terrorist, suicide bomber, torturer and mass murderer.

So, globalization is understood as a historical process of integration, which began with the founding of the first public relations. Under this approach, various scholars give different definitions of globalization. For the purposes of the study as a starting can be used definition proposed Ph. Allott: “Globalization means all the processes, through which the people of the world are incorporated into a single world society, global society” [5].

Thus, the essence of integration relations expressed in the enlargement and consolidation of social relations through specific objects and the gradual integration of the incorporation of the whole of humanity into a single community or a global society.

All societies have some rules about the creation of ties of intimacy, how they endure, and how they are terminated. These rules in a sense seek to control and regulate the legitimate targets of affect within which the exchange of positive sentiment is anticipated. The family often seen as morally preferred in part because of the experience of the most important and defining components of human feeling and expression: love.

The doctrine can meet different names used to refer to the society of the future, which should emerge in the process of globalization of development: a global society, global community, global society, integral society, mixed society, super civilization, holistic civilization (or unified civilization), a world state (or world government), etc. In this study, does not plan to analyze the content of these signs, and as a general definition of the notion of “global society”.



We would like to stress again, that research on the problems of the globalization and its peculiarities is investigated by various scientists representing the most different areas of scientific knowledge. In most cases, globalization is associated with participation and inclusion of the majority of the states and societies in the mutual relations that causes complication of the public relations in financial and economic, political, social and legal aspects that is also closely connected with expansion of information space and development of modern technologies.

For the purposes of this study are used and researched positions lead to a broader approach to the definition of the essence of globalization. In this case, the question of determining the causes of falls, catalysts, and short-term goals of globalization, as it is more important to understand the overall direction, the form and content of globalization, but the reasons have caused them (as noted, the determination of this issue was the subject of hundreds of serious research, but and resulted in a single consistent version and position). In this regard, for the purposes of the present study is the use of a valuable broad approach to the understanding of globalization.

So, it is possible to state the position that globalization – the process of progress and evolution of humanity towards a global society. This position has not been the subject of serious and multilateral research, but on the whole doctrine, many opinions dealing with similar, or at least does not contradict this position. In this case, what is the driving force behind the “irreversible and objective” process of globalization towards the creation of a global society? Do I need to consider this process as progress and evolution, or, on the contrary, it carries negative consequences? This driving force of globalization is inside the system, society and social relations on a global scale. This is reflected in the fact that public relations are a self-regulating system, that means, all the groups, communities and peoples of all countries in the world and all social relations in the world are part of a single system, wide enough, but still a single system, which has the appropriate functions of self-regulation.

Improving the effectiveness and efficiency of the coexistence of the different units of the system (society) – it's the conditions for survival and preservation of the entire system in principle. Such a way we can speak of self-regulation of society as a process of self-preservation through the construction of a global society that operates on certain principles and guidelines. The doctrine can be found certain provisions that say about the process and function of self-preservation and societies.

Thus, the process of self-regulation of society began with the appearance of humanity even in primitive society, and this process has always been the aim of self-preservation system (society) and its survival. Creation and the occurrence of any form of expression is a manifestation of social regulators of self-regulation and self-organization forces of society as a system aimed at the preservation of society and its survival. This was expressed in the fact that primitive society, as well as any historical phenomenon was not static, and goes through various stages of development. Its general historical, archaeological and anthropological stages. He also notes that the self-organization as a whole is characterized by the interaction of man and nature in assigning the economy for thousands of years and even later “in societies emerge and become widespread regulatory beginning which shaped in the course of this self-organization of mankind. This regulation ensures the existence and reproduction of specific communities, clans, groups”. So we are talking about the creation of a global society with a certain rule of law not only as to the purpose and result of globalization and self-regulation, as well as an objective need for self-preservation and the development of society as a whole system.

In this regard, it is necessary to consider certain matters which relating to the process of globalization in the creation of a global society, namely the following: whether the global society more advanced form of the relationship between the parts of the system? On what basis and principles should be building a new system of relations between the constituent units of the society? What is the role of law in regulation of social relations in a global society? These and other issues require attention and study.

As it was already noted, it is possible to consider history of the public relations as the process directed on self-preservation that is the supreme value of any organism and system, and in our case as this organism and system all mankind acts (as society). Within this approach the history of mankind and globalization in general act as creation process of “global society” on the basis of efficiency for fair and reasonable coexistence. These two approaches don't contradict each other as creation of a fair order is

pledge of self-preservation of Megasociety or “global society”. An important role in this process is played by the law and its development. This question of the importance of the right for society should be considered in more detail.

In the conclusion we would like to make an accent, that the provision on justice of the law and order as bases of regulation of the relations of global society that is expressed in the concepts “orderliness”, “efficiency” and “compromise of interests”, leads logically to a question of a role and a place of law in construction and functioning of global society.

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**З. К. Аюпова, Д. У. Қусаинов, Ж. М. Мадалиева,  
Г. Н. Мусабаева, Г. Д. Рахимова, З. Ч. Чикеева**

#### **ЗАМАНАУИ ЖАҒАНДАНУДЫ ЗЕРТТЕУДІҢ ӘДІСНАМАЛЫҚ НЕГІЗДЕРІ ЖАЙЛЫ**

**Аннотация.** Қазақстан Республикасы әлемнің басқада елдері сияқты мемлекет аралық және жаһандық қатынастарға белсенді араласуда, бұл араласу процесі белгілі бір заңдылықтарда көрініс табады, елдер мен халықтар арасында белгілі жағдайда қатынастар қалыптастырады. Осындай қарым-қатынастардың әсері әрқашанда белгілі бір қалыптасқан, әрі жетілуі үстіндегі қоғамның әртүрлі өмір сүру қырларында көрініс тауып, құқықтық жүйеде де өзгеріс жасауды талап етеді, мемлекеттік құрылыста да қоғамдық қатынастардың мазмұнына да өзгеріс әкеледі, сөйтіп интеграциялық процесстердің заңнамалық негіздерін жаңартуды талап етеді. Ал енді осы жаһанданудың мәніне келсек, ол қоғамдық қатынастардағы көптеген құндылықтарды әлемдік шаруашылық пен барлық адамзат баласына бірігу қажеттілік құндылықтары мен байланыстырады. Жаһанданудың процесінің қозғаушы кіші қоғам жүйесімен қоғамдық қатынастардың әлемдік біріктіруші күшінде жатыр. Оның мәніне үңілсек, қоғамдық қатынастар өзін-өзі реттеуші жүйе екендігінен көрініс табады, оның түпкі мазмұнында өзін-өзі реттеу функциясы бар. Өзін-өзі реттеу әлемдік байланыста құрамдас бөліктермен жүйелерді бір-бірімен біріктіреді, тиімділігін арттырады. Сөйтіп, адамдар, топтар, қоғамдық құрылымдар мен қоғам әлем мемлекеттерінде әрқашанда интеграциялану қалпында белгілі бір объективтік заң негізінде болады.

**Түйін сөздер:** интеграция, құқықтық интеграция, құқықтың дамуы, жаһандану, халықаралық құқық, құқықтық жанұялар, құқық жүйесі, унификация, өзін-өзі реттеу, қоғамдық қатынастар.

**З. К. Аюпова<sup>1</sup>, Д. У. Қусаинов<sup>2</sup>, Ж. М. Мадалиева<sup>2</sup>,  
Г. Н. Мусабаева<sup>3</sup>, Г. Д. Рахимова<sup>2</sup>, З. Ч. Чикеева<sup>4</sup>**

<sup>1</sup>КазНАУ, кафедра «Право», Алматы, Қазақстан,

<sup>2</sup>КазНПУ им. Абая, кафедра политологии и социально-философских дисциплин, Алматы, Қазақстан,

<sup>3</sup>Северо-Казахстанский государственный университет им. М. К. Козыбаева, Петропавловск, Қазақстан,

<sup>4</sup>Кыргызско-Российский Славянский университет им. Б. Н. Ельцина, Бишкек, Кыргызстан

#### **О МЕТОДОЛОГИЧЕСКИХ ОСНОВАХ ИЗУЧЕНИЯ СОВРЕМЕННОЙ ГЛОБАЛИЗАЦИИ**

**Аннотация.** Республика Казахстан, как и все страны мира, сегодня активно участвует в межгосударственных и глобальных отношениях. Последствия такой вовлеченности в процессы глобализации проявляются в самых разных сферах общественной и государственной жизни, вызывая соответствующие изменения в правовой системе, в институциональном строении государства и содержании общественных отно-

шений. Сущность глобализационных отношений выражается в укрупнении и консолидации общественных отношений через определенные объекты интеграции и постепенное инкорпорирование всего человечества в единое сообщество с системой слаженных отношений. Движущая сила процесса глобализации находится внутри самой системы общества и общественных отношений в мировом масштабе. Это выражается в том, что общественные отношения представляют собой саморегулирующуюся систему, т.е. все общественные отношения в мире являются частью одной достаточно широкой, но все же единой системы, которая обладает соответствующими функциями саморегуляции. Саморегуляция ведет к улучшению взаимосвязей между структурными частями системы и к повышению эффективности таких взаимосвязей. Таким образом, люди, группы, общности и общества в государствах всего мира все время находятся в процессе взаимоинтеграции.

**Ключевые слова:** интеграция, правовая интеграция, развитие права, глобализация, международное право, правовые семьи, правовая система, унификация, саморегуляция, общественные отношения.

**Information about authors:**

Ayupova Z.K. – doctor of juridical sciences, professor, chair of law, Kazakh national agrarian university, Kazakhstan, Almaty

Kussainov D.U. – doctor of philosophy sciences, professor, chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Kazakhstan, Almaty

Madaliev Zh.K. – candidate of philosophy, senior teacher, chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Kazakhstan, Almaty

Mussabayeva G.N. – candidate of law, senior teacher, chair of legal disciplines, Northern-Kazakhstan's university named after M. K. Kozibayev

Rakhimova G.D. – candidate of philosophy, senior lecturer, chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Kazakhstan, Almaty

Chikeva Z.CH. – candidate of law, senior teacher, chair of theory and history of state and law, Kyrgyz- Russian Slavic University named after B.N. Eltsyn, Kyrgyzstan, Bishkek

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