

## Constitutional Legal Status of Political Parties in the Republic of Kazakhstan

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**Abstract:** Creation of a multi-party system is the most important problem of a transition period. It is natural for the formed parties in the Post-Soviet countries the absence at parties as mass associations, strong social base, authority and trust of the people and it is deprived them ability to become worthy opponents of the state power. Development of political processes shows a tendency of allocation of two party coalitions, influencing policy and country life in general the coalition of the parties of authority and the coalition of the parties of opposition. Today multi-party system isn't perceived as the unconditional value and achievement of democracy. Democratic society can exist in conditions with more limited number of party subjects. In the country there is placed the emphasis on creation of democratic society. The state needs free parties and the movements whatever quantity they wouldn't be presented on political space of the country. At the moment the result of political development of the Kazakhstan society is creation of a multi-party system as characteristic sign of the pluralistic state. Political parties have one of important roles in activity of society and state, first of all as the most active element of civil society urged to express interests of these or those segments of the population. Research of legal status of political parties is obviously necessary in the light of intensification of a role of political parties both in elective process and at forming of Parliament Majilis of the Republic of Kazakhstan. In Soviet period we had monopoly ruling party CPSU (Communist Party of the Soviet Union). After collapse of the USSR and creation of the new states which build democratic political system, one of the principles of the organization of society became the principle of political and ideological pluralism and multi-party system that was adopted by the Constitution of the Republic of Kazakhstan. Adoption of law of the Republic of Kazakhstan "about public associations" was given impulse for the formation of political variety and it was promoted to the formation of political parties in Kazakhstan. The status of political parties is adopted in the law of RK "about political parties" that will give the chance of active participation in social and political life, to show the own relation to the happening processes. Democratization of society is possible in a case when elements of civil society, including political parties will be influenced on decisions of government bodies, the processes, happening in society. Research and the analysis of the normative legal acts, regulating the organization and activity of political parties are obviously necessary in the light of dynamic social and economic processes in the country. Identification of tendencies of the increasing role of political parties in spiritual and socio-humanitarian development of society is important.

**Key words:** Democratization, dynamic, spiritua, socio-humanitarian, legal acts

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### INTRODUCTION

After crash of CPSU and collapse of the USSR, the process of a becoming of multi-party system in the former federal republics entered into qualitatively new stage. If before political activity of parties and movements of the most different orientation was mainly referred against CPSU and the allied center identified with it, then now they were forced to look for a new basis for self-expression and self-identification. It was demanded also by new socio-political realities with characteristic for them processes of the swift social stratification,

caused by the beginning of "shock" reforms. The changes, happening in society in the early nineties of the 20th century, were reflected also in the political spectrum of the post-Soviet space. During this period the main subjects of political life were developed and institutionally issued, whose confrontation and currently in varying degrees determines the nature of the socio-political situation in these countries. In general, for the formed political parties these years were as period not so noticeable outside, but at the same time hard internal work on formation of the ideological and political platforms and search of own social base.

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The main duty in regulating the processes of creation and activity of public associations in Kazakhstan is the Law "On Public Associations" of May 31, 1996. Undoubtedly, it was played a large role in activization of social and political activity of citizens of the country. Having shown advantages of public association as subject of social action, stronger in comparison with individual, this law promoted to self-organization of society, stimulated people to joint search of ways of satisfaction of the interests and requirements and also solutions of vital problems.

In researches of political system development in Kazakhstan there is observed intensifying of the political parties having a united social base middle class.

The constitutional recognition of pluralism as obligatory attribute of the developed democratic society and the constitutional state is the defining beginning of a legal institutionalization of political parties. Now the Republic of Kazakhstan which was enshrined the principle of ideological and political variety in the Constitution, is being gone on the way of implementation of ideas of various social groups' representation of the population in the power system. And, as we know, at the same time there is placed the emphasis on activization of activity of social and political associations and movements, political parties. Exactly the last ones are reliable "instrument" of identification of people moods and also electiveness and formation of representative and other state bodies".

Thus, thanks to pluralism it is become possible the universal approach to modern comprehension of an essence and role of political parties and actually, legislative regulation of their activity in our state.

And, it isn't casual, political parties in the democratic countries today, penetrating all links of the state power; make decisive impact both on formation and on functioning of national policy. Without political parties it is impossible neither development of national policy, nor mobilization of resources on its implementation, nor decision-making processes on its realization. Moreover, it is impossible without them ensuring democracy per se because freedom of activity of political parties-guarantee of democracy. Vigorous activity of these forms of public associations, their open competition in fight for votes, for political and social priorities, pluralism of the political policies and programs represented by them, their counter mutually criticism, respect relationship for opposition is a basis of what it is accepted to call democracy or sovereignty of the people.

Creation of a multi-party system is the most important problem of a transition period as far as A.T. Ashcheulov fairly noticed: "ensuring of political stability, creation of conditions for effective economic

development all of these are eventually those aims which the state pursues, supporting creation of multi-party system in the republic" (Ashcheulov, 2001). K.K. Musin fairly notices that "despite the increased public interest and dynamic process of legislative fixing of basic rights and freedoms of political parties, this legal institute didn't find the due scientific analysis in Kazakhstan. The problem of a legal regulation of the main aspects of functioning of domestic political parties in a number of monographic works has mainly local and fragmentary character. In a jurisprudence it isn't developed unambiguous definition of a concept "political party", there is no full legal differentiation from other types of public associations". At the same time it defines concept of "political party" as "the public association of citizens which is a necessary element of civil society and representing one of the institutes of a constitutional right which activity is based on the principle of voluntariness and a community of interests of its members and it is referred on participation in political life of the country in the way of the democracy forms fixed by the national legislation". According to K.K. Mussin for political parties as special type of organizations, there are characteristic aiming at formation (or participation in formation) of the public authorities; existence of the political programs, opening the main objectives and methods of activity; fixity of membership and special organizational structure. In other researches to these indications there is added the existence at a political party of their own ideology.

## DISCUSSION

In legal literature it is actively discussed the legal status of political parties. According to B. Ebzeev and L. Karapetyan, "political parties are differ from other social associations at least in two main criteria": the party is the leading part of a certain society and the main content of its activity is race for power and realization with its help of the political program. If to speak about the first criterion, it is represented that the vast majority of the parties which arose in recent years, aren't those in the true sense. At the same time they may well meet the second criterion as they conduct purposeful fight not for participation in the power but for the power (Ebzeev and Karapetyan, 2000).

Natural for the formed parties in the Post-Soviet countries is absence at parties as mass associations, strong social base, authority and trust of the people that deprives of them ability to become worthy opponents of the state power. Often, parties are created under specific leaders, torn apart by internal contradictions and their activity is most often reduced to mutual recriminations,

criticism of government structures and aspiration to seize heights of the power. Besides, there is obvious that an abstraction of interests of parties from interests of the state, their disability to offer the concept of strategic development of society and a way of recovery from the crisis, the increasing divergence of their political activity with political life of citizens, party isolation and self-sufficiency (Ebzeev and Karapetyan, 2000).

The Kazakhstan researcher T. Toporina gives detailed legal interpretation of political party: “the party is the specific public but possessing legal status in the state political organization, representing group of the people, united by a community of political views as a rule, formally fixed in program documents which relying on a certain ideology and representing certain social interests, seeks to participate actively in social and political and state life, pursues the aim of a gain and implementation of the power in the state, realizing, thus, interests and the purposes of the relevant public group, a social stratum” (Toporina, 2001).

Short and successful legal definition of political party is formulated by the constitutionalist Yu. Yudin, understanding it as: “public association which is created for participation in political process for the purpose of a gain and implementation of the state power by the constitutional means and it is acted on the constant basis and has the political program” (Yudin, 1998).

As far as the party in their origin, of its field of activity, functional purpose are increasingly social and political, rather than state-legal category, so, it is obviously, that in the current law there is no single universally accepted definition of “political party”. Different countries have very different ideas about the nature of political parties and their role in social and political life. The reason for this is particularly the political regime, form of government, the degree of development of the constitutional-legal doctrine and laws of a particular state

The Kazakhstan Legislator at the determining concept of “political party”, naturally, proceeds from own conditions of constitutional and legal development. So, under “political party” there is admitted the public association of citizens of the Republic of Kazakhstan, expressing political will of citizens, various social groups for representation of their interests representative and executive bodies of the government, local government and participation in their formation”.

As the social role and functions of parties consist that they are the organized subject, expressing interests of certain sectors of society, protect these interests and fight for their realization (Nam, 2003), then it is important for the characteristic of party system of Kazakhstan a

socio-political position of parties on the relation both to the own social base and to processes of transformation of society. Unfortunately, it should be noted that in political life it is possible to observe weak communication of parties with the social base, real implication of interest in voters only during elections, lack of practical realization of extensive program installations.

Miteva (2000) fairly notices that “character of party system is the most important indicator of quality of new policy and degree of democracy consolidation”. In this regard, it is necessary to speak about a immaturity of civil society and as a result, incompleteness of process of formation of party system in the Post-Soviet countries. The the level of development of civil society is higher, the public associations are active especially including the political parties.

Development of political processes shows a tendency of separation of two party coalitions, influencing on policy and country life in general the coalition of the power parties and the opposition coalition where the watershed is their socio-political position in relation to radical questions of public transformations in these countries.

In order that it is fuller to reveal sense and the maintenance of legal definitions of “political party” and to differentiate it from other forms public associations, we will try to allocate the main qualification signs which are inherent in party as institute specific constitutional legal.

The political party is a public association which main goal of participation in political process is the gain and implementation (or participation in implementation) of the public authority. Perhaps, it is the most important qualification sign of party which allows to express its essence and to distinguish from other types of public associations of non-political character (different unions, associations, clubs, funds, etc.). The main purpose of parties is a gain of direct, open control over power leverages in order to use state mechanism for realization of the program installations. While tasks of enterprise, labor unions, lobbyist groups first of all are satisfaction and protection of private specific interests of the members. Such organizations for the tasks solution quite often seek to exert impact on policy. However political activity for them isn't decisive and it has auxiliary character and it is carried out mainly through parties.

The main sign, certainly is reflected in definition of political party which is formulated in Art. 1 of law of the Republic of Kazakhstan “about political parties” of July 15, 2002. However, if the former law of July 2, 1996 under political party was recognized as “association of citizens which assists to identification and expression of their political will in implementation of the state power”, then in

the new law the main sign of party would be formulated a little differently. Now political parties “express political will of citizens, social groups for representation of their interests in representative and executive bodies of the government, local government and participation in their formation”. Similar interpretation, we believe, doesn’t change both practical sense of the parties and their real destination. In fact, by means of participation in formation and functioning of government bodies of party also express political will of social groups in exercise of the state power.

At the same time, in the Kazakhstan legislation there are not fully differentiated institutes of political parties and public associations of non-political character. The old Soviet tradition of involvement of the last ones in policy is remained in the modern conditions, in the period of creation of a multi-party system. The organizations, framed for protection of specific interests of their members, apply for participation in political process, in particular on elections, on an equal basis with political parties. The constitutional law of the Republic of Kazakhstan “About elections in the Republic of Kazakhstan” creates for this purpose the most favorable conditions, establishing full legal personality of public associations in electoral process. Besides and the Constitutional law of the Republic of Kazakhstan “about parliament and the deputies status” allows a possibility of formation by the last ones of deputy fractions whether is it leads to deleting of basic differences between them and political parties? The formulation of the party main qualification sign is lost the own practical value, because it doesn’t serve its separation from other types of the public associations.

The political party is the organization, uniting to individuals on the basis of a community of political views, recognitions of a certain system of the values, finding the embodiment in the program which is planning the main directions of policy of the state.

The party program is one of the main qualification signs of political party. This thesis is confirmed by M.V. Baglay: “existence of the program, the fundamental party document, predetermining all its actions and initiatives is the most important line of political parties” (Baglai *et al.*, 2004). Unlike of parties, other public associations, according to the law, aren’t obliged to have political programs. At the same time, their charters and there can be provided the provisions, concerning single questions of social and economic and spiritual development of society. But, it is necessary to recognize that they reflect private, group interests.

The main strategic objectives of parties and ways of their achievement are as a rule, declared in the program;

questions of tactics of party fight, the relation with possible allies are stated; the major policy, economic, social, international guidelines and priorities and also estimated concrete steps in the specified spheres are specified, in case, if the party would come to the power. In other words, the program is “face” of party. It is necessary to noticed that party “Nur Otan” cardinally was been re-worked and re-approved the program.

We will notice that submission of the program is an indispensable condition for registration of the Kazakhstan public associations as political parties. However, the law doesn’t contain any regulations to essence and contents of parties programs. It is thought that it would be quite justified.

The political party is the association which is acting on the constant basis, having the formalized organizational structure. This sign, though isn’t included in definition of “political party” but to it, certainly, there is given the great value. So, identity, fixity of membership and the territorial principle of the parties organization is provided.

In the similar organizational relation, political parties are significantly different from political movements. The last ones have no accurately adjusted network of territorial sectionings. And membership is here, based sometimes and on a collective basis that is of various organizations and groups of citizens. Here, it is possible to carry also electorate of party, that is the voters, giving votes for it. Here, it is no fixed membership as a rule. Legal status of movements in Kazakhstan isn’t settled legislatively, therefore, it doesn’t make sense to differentiate them legally from parties. At the same time, it is necessary to recognize that the movements existed historically and perhaps, there will be appeared and will be functioned until their forming in the political parties or disappearances from political arena of the country.

The sign of the constant organization for political party has important value and it, perhaps, distinguishes them from associations of the voters who are temporarily participating in political life for elections. Upon termination of elections, the electoral associations (blocks) as a rule, stop the activity that it confirms a non-duration of their existence. Having no time limited of the temporary factor of existence, the sign of “constancy” assumes also existence of a certain number of members of the organization, without that, the last one, will not able to act on the constant basis and carry out the functions, inherent in parties. The number of party is considered by the national legislation as one of the major qualification signs and it is a condition of its registration. Considered above the legal signs of political parties are reflected their intrinsic characteristic and at the

same time, serve as universal criterion of their differentiation from other types of public associations. Legislatorial, fixing qualification signs of parties, the Kazakhstan Legislator, thereby defines them as specific constitutional and legal institute and the most important element of political system of society.

Thus, without applying for exclusiveness, we will try to give the vision of the concept "political party" according to the theory and practice and also with fixing of its legal status in the national legislation. Political party is the voluntary association of citizens of the Republic of Kazakhstan, expressing their political will in formation of public authorities and taking part through the representatives in political life of society.

Functions of political parties are essence, the main sides or the directions of their activity, caused by the purposes and tasks facing of them.

During monopolistic domination of communistic ideology many researchers of political systems of the foreign capitalist countries in their works such as for example, M.N. Marchenko, M.Kh. Farukshin, I.P. Ilyinsky, L.P. Entin were skeptical about functions of the political parties, realized in bourgeois society, practically all essence of a multi-party system was exposed to criticism by them. In the last decades in the conditions of democratization and creation of the constitutional state there was gradual withdrawal from rejection of function of parties and recognition of their positive role in life of modern society (Yudin, 1998).

At the same time, there is no uniform approach in definition of functions of political parties now. The political and legal science generated extensive literature on the issue of functions political parties. The opinions, expressed by this question are very numerous and contradictory. So, for example, A. Bandurin, V. Vlasov, etc., allocate:

- The functions, characterizing its communication with a class, social group, society in general
- Functions in relation to political system of society and its separate institutes
- Functions of an internal order that is function of party in relation to own problems, problems of the organization and implementation of internal life of parties

According to A. Bulatov and Z. Ismagambetov the political parties realize eight functions (Bulatova and Ismagambetova, 2005), according to A. Nysanbayev three (Nysanbaev, 2004).

In general, variety of the offered options of classification of functions, having differences in details,

displays specifics and purpose of parties in political life of society. Therefore, considering positions of various authors on this problem, we will allocate two main groups of functions, depending on two spheres of activity of political parties:

- The functions, bound to activity of parties as the intermediary between society and the state
- The functions, providing vital activity of state mechanism

The first group of functions reflects their nature as public organizations. At the same time political parties carry out the following functions.

Provide a possibility of political self-identification of the person, realization of their political freedoms by means of association in party. On the basis of a community of views and ideas as it is known, citizens are united in various political parties. Thereby, citizens receive the reliable instrument of fight for the ideas. At the same time, a fight is lost individual character, passes into other course, gains the public importance. Political parties help citizens to realize a possibility of combination of personal inquiries with interests of group, moreover, actively push to that.

Organize the political process, providing identification in public views and moods the most priority directions of economic and social policy of the state. By means of political parties, civil society is self-expressed and self-regulated. In competitive interparty fight that is in fight of various political ideas and concepts, there are revealed those which have the greatest popularity at present. Exactly they are taken for a basis of activity formed by winning party of the government. Thereby, there are framed prerequisites for state management according to will of the majority-bases of principles of democracy. Moreover, also at the same time it is established the will of minority where some concepts of which can be found the positive use. And it is important guarantee of stability both the power and society in general.

Provide the corresponding institutional forms of the solution at crisis situations. On the one hand, the interparty competition doesn't allow any participant of political process to be relaxed even if it to be at power, constantly pushing him to improvement of both the course and methods of its implementation, feeding it with new ideas. On the other hand, if the ruling party loses the value as a result of a sharp exacerbation of social and political conflicts, the party system right there offers alternative option, highlighting the role of the opposition of the last period. The developed party system doesn't

allow of the vacuum of the power in it there is an important destination. Thereby, despite periodically arising crisis situations, normal vital activity of society is never interrupted.

Create the personnel potential for administrative structures of the state, by advancement in the power of the most perspective leaders, enjoying mass support in the society. Interacting with mass public organizations and with government institutions, fighting for expansion of their influence, political parties move of their people in all directions. In other words they prepare those personnel of which formed the ruling elite.

The second group of functions of political parties is bound to their place and a role in vital activity of the constitutional institutes of the power. In this case, value of parties as organic part of state mechanism is accurately traced. Achievement of the power (first of all state), mastering machine of state power in order to realize the represented social interests and the purposes, out of doubt, is one of the main goals of political parties at all its multipurpose character. Here, it should be noted the following types of functions.

Provide the organization and elections to representative bodies of the power. That is political parties are engaged in recruitment of candidates will organize the large-scale propaganda company, finance part of pre-election expenses, participate in formation of election commissions, watch a voting process.

By the organization and activity of party fractions ensure effective functioning of Parliament. At forming governing bodies of chambers and parliamentary commissions, it is considered membership of a party of deputies. The central driving force of legislative process are party fractions. Relying on the mechanism of party discipline in a voting process, the political parties de facto predetermine socio-political contents of the legislation and in some cases and nature of relationship between legislative and executive power, considerably correcting the constitutional schemes.

Play an important role at nomination of candidates for presidential post as in the presidential and parliamentary republics. Even considering the demand of political neutrality of the president in his current activity, we will not detract from the fact that he often comes to the power only thanks to party support.

Exert impact on functioning of local authorities and self-government. Party groups of local councils practically predetermine the elections of a head of local administration, chairmen of the commissions, other officials of local administrations, distribute places in the commissions, etc. At last, parties predetermine the concrete maintenance and a social orientation of activity of local governments.

The above-named functions of political parties are natural, inherent only expressions of their essence and a role as special type of public associations and are shown by in all the variety at the liberal democratic regime set in this or that state.

In essence, a definition of essence and a role of political parties is inseparably linked with studying of party systems. Process of ascending of a role and influence of political parties in the Kazakhstan society and the state turns research of party systems into one of actual problems of modern science of a constitutional right.

As a rule, in scientific literature as the system (from Greek: *systema* it is whole, made of parts) there is meant "a certain set of the elements which are in the relations and communications with each other forming a certain integrity".

Recognizing party system as the most important component of the mechanism of the power, would be incorrect to believe that it is a subject of constitutional and legal regulation. The party system is a result of dynamics of political process, an indicator of party construction in the country. Its specifics develop under the influence of many factors: concrete ratio of political forces, historical traditions and circumstances, features of national structure of the population, influence of religions, etc. Certainly, not less important role in structuring party system is played also the constitutional legislation, providing real interaction of political parties and state institutes.

The party system reflects the features of political organization of society in this or that state. Representing important political institute, the party system is characterized, on the one hand, by the relations between parties and the state and with another-relationship of parties with other public elements of political system and citizens.

Use by the lawyers and political scientists of different approaches to comprehension of party system generates a variety of the typologies offered by them.

The typology of party system was widely adopted, relying on purely formal, quantitative criterion-number of the parties, capable as a result of elections to come to the power. From this point of view, there are distinguished the following main types of party systems: multi-party, two-party and one-party.

Multi-party system. As a certain socio-political phenomenon, multi-party system that is existence of more or less appreciable number of parties, it is characteristic of any democratic country. It is immanent line of civil society: a variety in it of the interests existing is predetermined variety of the public associations,

defending those interests including political parties. The more complex social structure of society, the more reasons for the formation of political parties.

At the same time, the real multi-party system means not only a multitude of parties but their interaction in the course of race for power, their real participation in race for power". If to concern multi-party system as constitutional and legal institute, then it is disclosed specifics of the mechanism of formation of the central authorities. It means in particular that more than two political parties participate in selective race for power (presidential elections, structure of parliament) and all of them have chances to create the government.

It is necessary to notice that multi-party system provides to society the mechanism of peaceful rivalry and cooperation of various socio-political forces, classes, the groups, allowing to find by means of fight and compromises in political process the certain resultant political line which is equitable to the main interests of most of the people. It can correct or change it in case of essential change of a social situation in the country. At the same time, the width of coverage and a variety of political and ideological doctrines and tendencies allows to choose from them the most rational, to muffle acuteness of social contradictions to find consent points between managing and controlling and to dilate a social base of ruling political elite.

The multi-party system, according to the constitutionalist M. Baglay has a series of important advantages from the point of view of democracy:

- It is the most fully realized the development potential and self-regulation of the civil society, thereby, providing consecutive democratism of political process
- It makes policy more open as turns on the mechanism of the interparty competition and mutually criticism: the opposition will never allow chance to make property of publicity about what the ruling elite would prefer to keep silent
- It increases efficiency of decision-making process as always offers various alternative ideas and concepts
- It provides necessary flexibility of the power in critical situations (Baglai *et al.*, 2004)

Several years later, after emergence of the first domestic political parties, there was actual a question for the Kazakhstan science: "what sort is a party system in Kazakhstan?". And though, to the middle of the 90th of last century, according to the vast majority of researchers, it was still too early to be argued about formation of steady party and political structure, about accurate

delimitation of political forces as the process of becoming of multi-party system in Kazakhstan only was begun. And at that time there were attempts of correlation of development of party system of the Kazakhstan society with the most widespread classification: one-party, two-party and multi-party systems. At the same time the main political discourse was arisen concerning priority of a vector of development aside or multi-party system or two-party membership.

Together with it, today it is necessary to speak about finalization of the period of impetuous enthusiasm for ideas of unlimited multi-party system which was observed at the beginning of independence. Today, multi-party system isn't perceived as the unconditional value and achievement of democracy. Citizens begin to realize that the number of parties will have no influence on quality of protection of the rights and interests of social groups. Democratic society, as it was mentioned by us, can exist in conditions with more limited number of party subjects. It can be two-three-or four party systems. In the republic there is placed the emphasis on creation of democratic society. The principle of freedom as it was known, doesn't suffer any restriction. The state needs free parties and the movements in what quantity they wouldn't be presented on political space of the country.

## CONCLUSION

At the moment a creation of a multi-party system as characteristic sign of the pluralistic state is result of political development of the Kazakhstan society. Today at the same time there are being formed in Kazakhstan much more parties, therefore, the republic probably will never be able to come to strict two-party system any more. Especially in society with great number of economic ways, a variety of cultures and tongues, numerous channels and institutes of an articulation of social, national, religious and other interests as a rule, there are more prerequisites for creation of a multi-party system.

However, it is still early to speak about the established multi-party system with characteristics inherent to it. There is no steady party and political structure, there is no accurate delimitation of political forces. Many political parties and the movements have no wide social base that undoubtedly, influences their role in life of society. And in the conditions of the valid multi-party system the political parties have to develop the certain comprehension of interests of various social groups, capable to unite of the appreciable part of society around its program.

On July 15, 2002 it was adopted the new Law of the Republic of Kazakhstan "about political parties" in which many provisions of the previous law were cardinally changed and corrected.

The most significant changes there was undergone the quantitative criterion and procedure of creation of political parties, necessary information minimum of party's constitution and also there are regulated in detail the terms and the bases of suspension and the termination of their activity.

It was offered to the parties to carry out a re-registration in accordance with the requirements of the new law. Certainly, all this were affected on condition of the Kazakhstan party system.

So, for example, by the beginning of June, 2002 in Kazakhstan there were worked 19 parties: Kazakhstan National Congress Party, Socialist Party, Communist Party, National and Cooperative Party, Kazakhstan Renaissance Party, Republican Political Labour Party, Justice Party, Civil Party, the Republican People's Party, the Agrarian Party, the National Kazakhstan Party "Alash", Kazakhstan "Azamat" Democratic Party, Kazakhstan Women Democratic Party, Peasant Social-Democratic Party "Aul", Kazakhstan Patriots Party, National Unification "Kazak Eli" Party, "Ak Zhol" Democratic Party, Russian Party.

Today, according to the law "About political parties" of July 15, 2002 in Kazakhstan, there were officially re-registered and have the legal status of activity only 9 parties: Nur Otan People's Democratic Party, Communist Party of Kazakhstan, Communist People's party of Kazakhstan, Kazakhstan's People's Patriotic Party "Auyl", Party of patriots of Kazakhstan, "Ak Zhol" Democratic Party of Kazakhstan, Rukhaniyat Party, Democratic party "Adilet", the National Social Democratic Party (NSDP).

Off-year elections of deputies of Parliament Mazhilis of the Republic of Kazakhstan were taken place on January 15, 2012. In parallel with elections of deputies of Parliament, Kazakhstan citizens elected deputies of regional, city and regional maslikhats. Seven political parties, three of which by total results collected >7% of votes participated in parliamentary elections and they were elected to Mazhilis: Nur Otan People's Democratic Party (80,99%), "Ak Zhol" Democratic Party of Kazakhstan (7,47%), Communist People's party of Kazakhstan (7,19%).

Elections to the lower house of the Majilis of the Parliament of the Republic of Kazakhstan in 2016 were shown further stable development of party construction. In Parliament on the present there are presented 3 political parties, each of which has the pronounced face which is

based on the political party program ("Nur Otan" -82,20%, Ak Zhol" Democratic Party of Kazakhstan -8,18%), Communist People's party of Kazakhstan -7,14%).

Having investigated and having analysed the main tendencies of a becoming and development of political parties, the questions of legal regulation, we came to the following conclusions.

Creation of a multi-party system is the most important problem of a transition period as how A.T. Ashcheulov fairly notes, "providing the political stability, creation of conditions for effective economic development is eventually, those aims which the state pursues, supporting creation of multi-party system in the republic".

For the formed parties in the Post-Soviet countries there is natural absence at parties as mass associations, strong social base, authority and trust of the people that deprives of them ability to become worthy opponents of the state power. Often parties are created under the specific leaders, torn apart by internal contradictions and their activity is most often reduced to mutual recriminations, criticism of government structures and aspiration to seize heights of the power. Besides, there is obvious an abstraction of interests of parties from interests of the state, their disability to offer the concept of strategic development of society and a way of recovery from the crisis, the increasing divergence of their political activity with political life of citizens, party isolation and self-sufficiency

Development of political processes shows a tendency of separation of two party coalitions, influencing on policy and country life in general the coalition of the power parties and the opposition coalition where the watershed is their socio-political position in relation to radical questions of public transformations in these countries.

Use by lawyers and political scientists of different approaches to comprehension of party system generates a variety of the typologies offered by them.

It is completed the period of impetuous enthusiasm for ideas of unlimited multi-party system which was observed at the beginning of independence. Today, multi-party system isn't perceived as the unconditional value and achievement of democracy. Citizens begin to realize that the number of parties will have no influence on quality of protection of the rights and interests of social groups. Democratic society can exist in conditions with more limited number of party subjects. It can be two-three-or four party systems. In the republic there is placed the emphasis on creation of democratic society. The principle of freedom as it was known, doesn't suffer



any restriction. The state needs free parties and the movements in what quantity they wouldn't be presented on political space of the country.

At the moment, creation of a multi-party system as characteristic sign of the pluralistic state is result of political development of the Kazakhstan society.

All parties were carried out a re-registration according to regulations of the new Law. It, certainly is affected on a condition of the Kazakhstan party system.

Elections to the lower house of the Majilis of the Parliament of the Republic of Kazakhstan in 2016 were shown further stable development of party construction. In Parliament on the present there are presented 3 political parties, each of which has the pronounced face which is based on the political party program.

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