

# THE CONCEPT OF A “LISTENING STATE TO THE VOICE OF THE PEOPLE” : MECHANISMS FOR ESTABLISHING DIALOGUE BETWEEN THE STATE AND SOCIETY

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## Keywords

*A hearing state, citizens' appeals, a democratic state, a state governed by the rule of law, a social state*

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## Abstract

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In the modern conditions of the development of Kazakhstan's statehood, democracy is the most important constitutional value, and the main component of the legal reform was the adoption of the concept of a "Hearing State". The development of the hearing state is directly related to the activity of civil society, its participation in the process of making significant decisions. The relevance of this study is determined by the importance and role of the hearing state in the lives of citizens, the presence of voluminous normative material, the special novelty of the very formulation "hearing state" in constitutional and legal science. A large number of sources on the issues of the hearing state were analyzed, extensive work was carried out to search for source materials, and it was concluded that at the moment there are no studies on the formation and development of the hearing state in Kazakhstan. The methodological basis of this work is the empirical method of obtaining knowledge and the method of comparative jurisprudence. Thus, we have come to the conclusion that the category of "hearing state" has not been developed in constitutional and legal science. The theoretical development of this concept is necessary for a deep understanding of the patterns of development of the hearing state, the development of scientifically sound recommendations for the formation of a model of the state enshrined in the Constitution of the Republic of Kazakhstan.

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## Introduction

In the current state of democratization in Kazakhstan, constitutional legality is highly significant. This constitutional legality creates a state governed by the rule of law, where state bodies and officials elected by the people in a representative manner interact with civil society, accepting decisions for the benefit of the people and the state [1, p. 327]. A crucial part of the constitutional-legal reform was the adoption of the "Listening State: Kazakhstan's Path to Stability and Development," presented by the President of the Republic of Kazakhstan, Kassym-Jomart Tokayev, in 2019 [2]. The essence of the "Listening State" concept lies in strengthening the relationship and rapid mutual understanding between the state and civil society [3]. This formulation of the concept of statehood that listens to the people provides a rapid and effective response to each request of its citizens [5]. Precise plans are being developed to address these issues. For example, recent major resonance events in Kazakhstan have led to an increase in the level of social assistance packages for large families [6], the development of the concept of civil society development [7], the strengthening of direct democracy institutions [8], and so on. In 2020, we all experienced an unprecedented stress test for all countries in the world - the COVID-2019 pandemic caused by the SARS-CoV-2 virus. The global pandemic has brought many challenges. In such

situations, dialogue between the state and civil society becomes very difficult [9].

However, public policy is tailored to each subject, focusing on satisfying various social groups in areas such as health care, employment, security, education, etc. Although it may seem paradoxical, in the use of various rights for different individuals, the possibility of their unlimited use in everyday life is revealed. For example, individuals with limited possibilities cannot fully benefit from constitutional rights, such as access to education. Because they need additional opportunities: roads, bridges, buildings, facilities, and devices.

Another example: the residents of rural and remote areas cannot access state and social services equally because they lack proper infrastructure. This was clearly demonstrated during the pandemic: if urban students can easily access education remotely, then the lack of quality internet connectivity in Kazakhstan poses a significant problem for the majority of the population. There are many examples like this, but the main idea is clear. The goal of a state that listens to the people is to ensure that each citizen has the opportunity to exercise all their rights, requiring the development and implementation of additional or special measures. The development of the state in Kazakhstan that listens to the people is directly related to the sustainability of civil society and its active participation in the decision-making process. The national plan includes five

institutional reforms aimed at enhancing the role of civil institutions and consolidating state formation efforts that take into account the active involvement of the population (Step 97 - enhancing the ability of individuals to participate in the decision-making process through self-regulation and self-management; Step 98 - introducing direct budgets for self-management; Step 99 - strengthening the role of public councils in state bodies and akims). Examples of implementing such measures can include: the establishment of dialogue platforms at the levels of villages, districts, cities, and regions, the formation of Public Councils in ministries and the office of the head of state, and their active work [11]. For example, the public acceptance of the Open Almaty mayor's office was rewarded with awards for the effectiveness of public-private partnerships [12]. However, despite certain achievements, in the analyzed area, there are still many problems. In Kazakhstan, there is still no clear vision of how society can influence the state, and there is no specific discussion on how to change the communication of state bodies. The majority of program documents and strategies lead to inefficiency and remain "paper tigers" in the implementation phase.

In our opinion, the reasons for this situation are:

- the insufficient level of public awareness;
- the occurrence of various events simultaneously;
- the rush to immediate results;

- the lack of proper alignment in the implementation process of initiatives.

In foreign scientific literature, the majority of Kazakhstani state programs are characterized by terms such as "unfinished," "superficial," and "lack of precise focus on serving the society" [13].

Ultimately, independent state programs, without clear communication about their goals and outcomes, undermine public confidence, lead to a decrease in public support, and can even lead to cynicism, resulting in a lack of implementation of political decisions. Such a phenomenon can be observed in various fields, such as in the economy, the agricultural sector, social work, and education. In developed countries, interaction with society is an essential component of the work of state bodies. Additionally, the totality of communication tools is not limited, as it includes soliciting public opinion, open debates, and the dissemination of objective information. In Kazakhstan, citizens are not well-informed about state initiatives, which is why there is no essential component for interaction with state bodies. In conclusion, the specificity of research reveals the importance and role of a state that listens to the people in the lives of citizens, the presence of normative material in legal science, and the specific novelty of the "state that listens to the people" concept.

This work is based on the methodological foundation of the empirical method of education. It involves testing hypotheses, verifying hypotheses and derived conclusions,

and either confirming or refuting hypotheses formulated for research. These are principles of scientific research applicable to all scientific studies. We begin with the thesis of comparative legal analysis as a research method. The use of comparative method allows for a comprehensive and specific identification of general and particular phenomena in current global legal systems. The use of the comparative method allows for a deeper understanding of legal norms in various legal systems and plays a significant role in comparing the two legal systems. Some comparativists view the use of comparative law as an instrument for a more comprehensive understanding of legal data, while others see the aims of comparative legal research as being secondary to legal reforms and understanding laws in comparative legal research. Another aspect is that comparative legal analysis is a philosophical approach that involves comparing institutional concepts that form the institutional basis of various legal systems.

In this case, the role of comparative legal analysis is to establish the methodological basis of legal philosophy and perform the informational function in comparative legal research. Comparative analysis, like other disciplines, requires interdisciplinary research. We believe that systematic research integrates various scientific interpretations. Indeed, the strategic goal of developing interdisciplinary and multidisciplinary research is to be considered within the framework of legal science. Thus, in this study, we employ

the following methods: the general scientific dialectical method of cognition; the method of sociocultural research; the formal-dogmatic method; the hermeneutic method; the historical-legal method; the comparative-legal method; the legal sociological method; the legal statistical method; the legal forecasting method; the legal cybernetic method. The main section. Recognizing the novelty of the category "state that listens to the people" in constitutional science and noting the absence of such categories in our legal system, we open up the concept and principles of the state that listens to the people, and emphasize its role in a democratic, legal, and social state. The election of a new president in 2019 marked a new era for Kazakhstan. Now constitutionalists have the opportunity to study and evaluate the transition of state institutions to the next stage. However, it is essential to emphasize the principle of "economy first, then politics," which indicates that political reforms should follow economic reforms. Today, domestic scientists and international observers are forced to acknowledge that Kazakhstan's independent judicial system, parliament, and constitutional law are not yet fully developed. The growing dissatisfaction of the people in recent years indicates that the demands, requirements, and demographics of the duties are closely intertwined. The introduction of an obligation-open and inclusive institutional governance in the first stage is essential, as it is impossible to achieve harmony between the people and the governing elite

without it. Many problematic situations in the work of the state apparatus arise from a lack of communication between the government and citizens. For example, in 2018, there was controversy over the unfair allocation of grants for scientific research. To illustrate, the Ministry of Education and Science of the Republic of Kazakhstan held competitions for scientific research grants from 2018 to 2020. The purpose of the competition was to enhance the level of Kazakhstani scientists' scientific research, scientific and technical potential, and ability to innovate.

The outcome of the assessment boosted the morale of Kazakhstan's young scientists. Initially, there were reports of discontent among various social groups, which later appeared in the official communications of state bodies. There was no official response from the Ministry of Education and Science of the Republic of Kazakhstan, leading young scientists to appeal directly to the head of state. Representatives of the scientific community emphasized the importance of the international recognition of the support of young Kazakhstani scientists and criticized the government for not supporting young scientists and pushing them to seek opportunities abroad. The crisis was never fully resolved, and the results of the competition were not reconsidered, leaving a negative impact on national scientific councils.

Subsequently, the Youth Scientific Council was formed, the Youth Entrepreneurship Group was established, efforts were made to improve information systems that

do not distort facts, and effective communication channels were established. Funding for young scientists' research projects was separated into a separate competition starting from 2020. One of the main tasks of the state is to organize a two-sided dialogue between citizens and state bodies to discuss common issues and achieve common goals. Despite the reluctance of citizens, the majority of whom prefer a passive position, to engage in dialogue and participate in organizing relations, communication with them is not easy and often requires vigilance in terms of state policy and its internal affairs. The most important prerequisite for establishing dialogue between individuals and the state is active citizens who are aware of their own interests.

Establishing dialogue between the state and society is a global trend aimed at promoting public dialogue and understanding, improving mutual understanding, enhancing cooperation between various social groups, and creating a communication system that promotes transparency and participation in government institutions. When considering the issue of dialogue between individuals and the state, it is important to note that dialogue itself serves many functions. First and foremost, in democratic states, dialogue performs a political function - it is the most effective means of interaction between citizens and government bodies - the most practical means of citizens to participate in state formation, choose. Elections are a direct means of citizens' active

participation in shaping the political environment of the state, selecting laws, and the work of various level parliaments to form a government, issue laws, and the role of various level deputies in decision-making. Kazakhstan's legislation ensures the direct dialogue of citizens and law-making representatives at the municipal level. That is, citizens can directly interact with deputies, express their issues, ask questions, and influence the resolution of issues affecting the quality of life of citizens, adding their weight to the issues of citizens and improving their quality of life - this is the essence of direct dialogue.

One of the main responsibilities of the state is to organize a two-sided dialogue between citizens and government bodies for mutual understanding, solving common problems, and achieving common goals. Despite the fact that citizens often take a passive position, preferring to stay away from involvement in organizing governance and mostly focusing on criticizing authorities and their internal policies, there are important issues that require active engagement of citizens to increase their confidence and take an active role in governance. Establishing and developing a dialogue between the state and the people has proven to be effective in the developed countries of North America, Europe, and Asia, where citizens' confidence in both the government and its officials is generally lower. Active engagement, mutual understanding, solving common problems, and involving citizens in policy making and

management are necessary to promote societal development and enhance civic engagement.

In the countries mentioned above, the government acts based on the rule of law. It not only allows citizens to participate in elections but also involves them directly in discussing important governmental decisions, implementing many state programs, and supporting various initiatives either by expressing their dissatisfaction or using legal methods (such as protests or referendums).

The concept of a "state that listens to the people" in Kazakhstan is an opportunity to elevate Kazakh science to a new level, but it requires effective management of scientific funding. The goals of the state that listens to the people and scientists are similar - to ensure the sustainable development of the country.

Thus, a state that listens to the people is a political institution that quickly establishes and maintains effective mutual relations between the state and society, and it is a political institution that considers the opinions of the people and the civil society in solving important state issues.

Lastly, the concept of a listening state is one of the working forms of the modern state. Therefore, based on the study of the state's activities and the analysis of state services in the field of state regulation and public services, academician M.T. Baimakhanov stated: "The combination of all the functions of the state on the basis of its content is an already well-established fact - the state's

activities are understood, but the state itself is not monofunctional, it is always multifunctional. In addition, the polyfunctionality of the state promotes the development dynamics of its functions."

With the appointment of new leadership in the ministry, we are observing the development of the concept of a state that listens to the people. Thus, the Council of Young Scientists of the Republic of Kazakhstan was established; a group of young entrepreneurs was formed; information systems that do not create unnecessary obstacles for many independent opinions were created; effective communication was established; and the research grants of young scientists were divided into private competitions.

The Constitution Council of the Republic of Kazakhstan, which was announced, stated in the official interpretation of the Constitution of the Republic of Kazakhstan in the first chapter that there are two main principles:

Using the term "established" indicates the continuity of the development of the state of the Republic of Kazakhstan;

Our country is aimed at the development of a democratic, prosperous, legal, and social state [23].

Democratic principles, starting from the Parliament and ending with local self-government, are based on the formation and functioning of all state bodies. The cooperation of state and society, the formation of Political parties and civil initiatives are created to develop democracy. The legal state provides guarantees for the establishment of

constitutional rights and freedoms of the citizen and the civil society to control the performance of all state bodies and officials.

Social rights are defined, but the main task is to form a progressive social policy and mechanisms that effectively protect social rights. The Constitution establishes the basic principles of the state and society, cooperation, the principle of national patriotism of Kazakhstan, and the principle of solving important state issues through democratic methods.

In the legal and political practice of Kazakhstan, the fundamental principles of the state's activities were established:

- The principle of a social agreement;
- Principle of political stability;
- The principle of developing Kazakhstan's science and using modern scientific methods in state regulation.

## **Conclusion**

In this way, we have examined the theoretical foundations of a listening state, provided a conceptual clarification of the term "state that listens to the people," compared the principles of democratic, social, and legal states, and outlined the basis for studying the concept of a listening state in Kazakhstan. In today's world, establishing legal relationships between individuals and the state is essential to improve the quality of life and enhance the dialogue between people and the government. Creating an effective dialogue between the state and society is one of the key priorities for both the state

and society. Developed countries in North America, Europe, and East Asia use advanced technologies of democratic dialogue to maintain a favorable environment for dialogue between citizens and the government. In Kazakhstan, establishing and developing a citizen dialogue is hampered by the lack of involvement of qualified professionals (politicians, philosophers, sociologists, linguists, anthropologists, psychologists, and other professionals), the absence of a systematic dialogue between the state and society, the low level of readiness of state and municipal authorities, and a number of other complex issues. Therefore, we have come to the conclusion that the concept of a "state that listens to the people" has not yet developed in legal science, and theoretical developments based on the model of the state established in the Constitution of the Republic of Kazakhstan are needed for its formation.

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