

RIGHT FOR FREEDOM OF SPEECH AS CIVIL SOCIAL INSTITUTION

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В данной статье рассмотрены вопросы о значении права свободы слова в гражданском обществе.

This article touches upon the questions on the importance of right for freedom of speech in civil society.

Nowadays in the National Law, that represents our Country as democratic, legal, wise and social state, the basics of democratic rules are ratified. And main rule of our state is to democratize national state basis of structure, political system and to develop civil social institutions taking into account traditional social peculiarities of Kazakh society.

The problem what is the concept of a general civil society is reflected in many philosophers work of political and judicial science history. We can that the concept «Civil society» takes the background from the ancient Greek, Roman philosophers work. So the ancient Greek philosophers considered all fields of social life as political social institutions.

Nowadays there are lots of special established references on the concept «civil society» in the state and judicial theory. Scientists opinions combine in the pedestal to respect the basic important civil society legal traditions and law, based on general sanctity, free democratic legal society to defend the right and the freedom of human and citizens. Civil society when individually analyzed it is the relation of management of the personalities' civil and individual rights result.

As abovementioned the society is human unity and it won't be without a state. But, civil society must exist and develop in a definite place. The Civil society deals with the mutual control and limitation within the state institutions and non-governmental institutions, associations, alliances. This activity for non-governmental institutions and alliances to be under constant review of the state and they must legally carry out their duties taking into account state's objective demand.

Thus civil society and constitutional state exist with the state's society's mutual limitations. Showing this connection we must mention that the constitutional state is the product of the civil society.

In the general theory the civil society is considered as inseparable part of the constitutional state and one of the main tasks of the constitutional state is to guarantee right and liberty. democracy, equality.

These rules, concepts are not unfamiliar for Kazakh society. Therefore the traditions of life, immutable rules of the nomad society defined the legal life.

In Nomads legal conscience the concepts like liberty, justice were very important. Therefore these advantages belongs to one of the main values of humanity. Freedom, liberty were the reflection of nomads legal life. In such vast territory they moved freely from one place to another and they had culture of

thinking and inner spiritual freedom. Their liberty and freedom didn't took them to illegality and excess but they had the freedom of customs and traditions, moral norms of behavior.

«One of the legal value of Kazakh mentality are equality and justice. Justice is not only legal concept in many cases it is a moral category as well. The struggle for justice was the main topic of biis (leaders) and speakers, poets and heroes, narrators. They educated the people legally and all illegal cases they eloquently exposed. They hurt and criticized the injustice of sultans and governors, volosts with incisive words. They fought against the violence and tyranny, all their skills they devoted to the public labour. They relied on the people for their duties. We can divide the directions of biis for the justice in general Kazakh life in two group: fair biis belonged to the first group. They were public defensor and worked for justice. The biis who obeyed to the upper class representatives belonged to the second group. In general biis struggle for the justice developed the concept of justice and feeling in the peoples' conscience and greatly influenced on the raising of the value of national mentality»[1, p.170].

In general in Kazakh society the concepts of freedom, liberty are not unimportant but these concepts are very important in social, legal life and they mean the freedom and distinctly characterize the perception of nation and people. They accepted these concepts as an inseperable part of the every phenomenon of their lives.

Kazakh people realized the nomadic life as an instrument of freedom, liberty. A. Levshin mentioned his opinion to this point o f view: «we should mention the most and however fair prejudice all Kirghiz, Kazakh people, that they have to lose freedom, as soon they settled in the houses» [2, p.45].

The conception of freedom which was the reflection of Kazakh people's ancient legal world knowledge and was very important, now in the constitutional life it helps facing a man to stand against his inner life and it gives a chance to be active and to choose the way how to behave.

The concept of civil society connected with the points of view about the concept of freedom. The concept «Civil society» can be defined as a society which provides all convinces for every man to life comfortable. N.I. Matuzov said about this concept:« In civil society are created the necessary conditions and atmosphere for the smooth implementation of fundamental rights and freedom, the principles of democracy, equality, moral and cultural values, ideals of justice» [3, p.90].

If we can review the general values of social principles , economic freedom, a man's right and right for freedom, legal power, equality before the law, freedom for speech and work, profitable social policy belong to the main social principle of life.

There are lots of thoughts, opinions, proofs on the importance of the concept of freedom for speech in the social life. Besides J. J. Rousseau all liberal philosophers reminded the necessity of learning the culture of freedom for speech.

According to their points of view the society and the state must give the chance to freedom for discussion and arguments as they are very important to reveal the truth.

If we estimate the freedom for speech according to the culture, every man himself has own opinions and points of view to fulfill his life desires and they allow him to live independently.

If we estimate the freedom for speech according to ethics, first of all human values and then his objective necessities will come.

According to the political system one of the most important way of the freedom for speech are information sources which influence on the governmental service to work effectively.

Freedom for speech is one of the most important rights in foreign countries especially in European countries. Among basic rules of the American Constitutionalism political rights and freedom are very important. In the Constitutional Amendments it is mentioned that there is no way of restricting for freedom for speech and publications. It has the aim of to ratify legally freedom for speech, publication like other democratic liberty. All these rights and liberty are wide concerned. There the mechanisms of fulfilling these rights and freedom, guarantees and responsibilities are revealed.

In many European Constitutions there are main rights and freedom given in the special sections, parts according to the norms. These rights and freedom as the basics of political value are ratified like positive method of European Constitutions. There are possibilities for citizens to make an influence on the state policy.

According to the social and legal meanings abovementioned rights and freedom are divided into several types. According to the activity of individuals they are classified into main and additional types. The possibilities of taking part in the social and state management will be examples of the main type of rights and freedom. There is no doubt that these possibilities have every democratic states as their main legal values. One of the main basic conditions of social life is publicity with public independent informational publications.

Democratic, intelligent, legal and social state's duties are to unite different citizens and legal entities, to fulfill the connection between a man and a state, the state must be against totalitarian government, to give all possibilities to develop civil society.

Among the traditional political rights freedom for speech and freedom for information belong to the individual rights according to possibilities of every individual person. About the fulfillment and guarantees by law of abovementioned rights and freedom in the Constitutions of many states like Germany, Belorussia, Bulgaria, Moldava, Poland, Rumania, the Chech Republic. Realizing man's rights and freedom as the main values the state itself has the liability for keeping them. The European Constitutions give guarantees freedom for speech, freedom for opinion, freedom for information, prohibition of censorship, restricting of monopoly of public mass media.

Freedom for speech gives guarantee of having and spreading political information.

This guarantee simply connected with public information sources. The public mass media as social government and information source is an opportunity for

representatives of the society to know about the news, the services of the state institutions, political parties and social alliances.

The Public mass media gives also an opportunity to inform the people about different opinions, points of view. Nowadays in the democratic states public mass media is considered as the fourth part of the government. The President N. A. Nazarbayev mentioned in IV Euroasian Media -Forum: «I should mention that we must connect the future development of Kazakhstan with the democracy and the establishment of an open society. I realize the freedom for speech and public mass media are inseparable parts of the democratic and an open society» [4].

The main importance of freedom for speech is the service of public mass media. Freedom for speech is the way of a citizen giving independently his thoughts and opinions, his beliefs, and public mass media is an instrument of fulfilling all his activity. This freedom will describe the condition of individual person's right in the civil society.

Making a conclusion we can characterize the connection between the civil society and freedom for speech in the following way. «The Civil society – an open system of thoughts, ideas which are tolerant, rational, humanistic, they differ from pluralistic ideas. Here is the spiritual-ideological basis of the civil society»[5,p.293].

Bibliography

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