

Research Article

State-Confessional Model Relations Of Central Asian Countries, On The Example Of Uzbekistan And Kazakhstan

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Annotation

In The Context Of Global Transformations In Political And Legal Relations Between The State And Religious Organizations, The Development Of State-Confessional Relations Of Modern Central Asian States Has Become Very Relevant. In This Article, The Author Considers Topical Issues Of The Relationship Between The State And Religious Institutions Of The Countries Of The Central Asian Region Of The Republic Of Uzbekistan And The Republic Of Kazakhstan, The Peculiarities Of The Activities Of Religious Organizations In The Conditions Of Democratic, Secular And Spiritual Interaction Between The State And Religious Organizations.

Keywords: Secularism, Freedom Of Conscience, State-Confessional Model Relations, Uzbekistan, Kazakhstan.

Introduction

The Development Of State-Confessional Relations In The Central Asian Countries Of The Post-Soviet Period, Their Stage In Forming Independence And The Course Towards A Democratic, Secular Society Gave A New Stage In Developing Interaction Between The State And Society. Religious Faith, The Desire Of Society For The Spiritual Origins, History And Culture Of Its People Have Undergone Many Changes During The Reign Of The Ussr. In Contrast, Each People Of The Central Asian Region Sacredly Kept Their Ancestors' Cultural, Historical And Religious Roots, Passing On Knowledge And Experience From Generation To Generation. The Formation Of State-Confessional Relations In The Modern Countries Of The Republic Of Uzbekistan And The Republic Of Kazakhstan Is Formed Based On Cultural, Historical, Democratic And Secular Principles, Which Bring A Significant Role In The Process Of Social Structure And The Formation Of The Religious Situation In The Country. The Activity Of Religious Organizations Is Based Not Only On Proselytizing And Spiritual Functions But Also As An Ideological Institution In Solving A Wide Range Of Social Problems And A Regulator In Many Spheres Of Public Life.

The Modern Experience Of Regulating The Religious Sphere Carried Out On The Example Of Legal Norms And Declarations Of The Member States Of The Un And The Osce, Where A Basis Is A Person Who Has The Right To Freedom Of Conscience, Expression Of His Religious Preferences And Rights. At The Same Time, Many Countries Have Chosen Their Way Of Developing Interaction Between The State And Religion, For Example, Countries Where There Is Predominantly A Multi-Confessional And Multi-Ethnic Society, Adhere To The Rule Of Equality Before The Law Of All National And Religious Groups (Kazakhstan) [1, P. 14].

Moreover, The Countries That Have Chosen The Course Of Democratic Development, Where Freedom Of Conscience Is Guaranteed For All And Only Choice Of A Citizen To Profess Any Religion Or Not To Profess, Is Not Forced Imposition Of Religious Views (Uzbekistan) [2, P. 31].

Materials And Methods

Observance Of The Constitutional Human Right To Freedom Of Conscience And Religion Is A Historically Important Aspect Of Forming A Stable And Prosperous, Secular (Kazakhstan) And Democratic (Uzbekistan) State. In This Article, The Author Conducts A Study Of The Interaction Between Uzbekistan And Kazakhstan's State And Religious Organizations, Relying On The Constitutional Norms Of Citizens, Laws On Freedom Of Conscience And

Religion, And Taking Into Account The Historical And Cultural Traditions Of The Peoples Of These Countries. Securing The Rights And Obligations Of Religious Associations And The Believer As A Citizen Of The Country Is Mandatory For Regulating Legal Relations Between The State And Society.

The Special Status Of Religion In Modern Society Of A Secular And Democratic State Affects The Relationship Between Citizens And Religious Institutions. It Has A Spiritual Influence On Personal And Social Consciousness. In Turn, The Development Of A Religious Institution Regulates The Interaction Of Citizens With The State, Which Is A Legal And Socio-Political Institution Of Power.

Results And Discussion

The Implementation Of The Principles Of Freedom Of Conscience And Secularism At The Level Of State-Confessional Relations Occurred Following The Division Into Models Generally Accepted In The Scientific Community, Which Used To Determine The Type Of Secularity In The Legal Field Theory Of State And Law.

Based On The Research Of The Russian Scientist I.V. Ponkin On The Typology Of States, The Criterion Of Secularity Subdivided Into "Non-Secular States", The First Group Included The Theocratic Model And The Ideographic State (The Model Of Secular Quasi-Religion), The Second Group "Secular States" Included The Preferential Model, Equipotential Model, Contamination And Identification Models. According To The Research Of I.V. Ponkin, He Referred The Countries Of Uzbekistan And Kazakhstan To The Contaminated (Connection) Model Of Secularity, Which Characterized By A Blurring Of The Border Between Religious And Secular, A Significant Degree Of Influence Of The Norms Of Religious Law On The Public Sphere Of The State. This Model Determined By The Specifics Of Eastern Civilization, Based On The Historical And Cultural Traditions Of The People Living On The Territory Of The State And The Peculiarities Of The State Legal System And The Historically Rooted System Of Religious And Moral Values.

Uzbekistan And Kazakhstan, Including Tunisia, Turkey, Albania, Tajikistan, Kyrgyzstan, Iraq, Turkmenistan, India, Mongolia, According To I.V. Ponkin, In Their Development Have Undergone A Significant Influence Of European ("Western") Civilization And Emphasize The Secular Nature Of The State. The Influence Of The Norms Of Religious Law On The Legal System Of The State Minimized. The Norms Of Religious Law Are Minimal. Marriage And Family Law Abandons Several Fundamental Institutions Of Religious Law.

Simultaneously, As The Russian Researcher Pointed Out, Referring To The Development Of A Typology Of States, In The Criterion Of Secularism Should Be Understood That Any Model Is Formal; It Did Not Accurately And Adequately Reflect The Actual State Of Affairs, The Real Situation. Any Classification Described A Set Of Sums Of Parameters Or Features That Characterized In Their Totality A Set Of Some Hypothetical Objects Or Models, Each Of Which, Ideally, Should Simulate As Closely As Possible, Reflect The Properties Of A Real Object [3].

Russian Scientist S.E. Denikaeva In The Dissertation "Constitutional And Legal Foundations Of The Formation Of The Russian Federation As A Secular State" Considered The Classic (France, Russia, Kazakhstan, Uzbekistan), Indifferent (USA, Japan), Preferential (Italy, Israel, Germany, Poland, Spain) Types Of The Secular Model Of The State. "The Classical Type Of The Secular Model Of The State Characterized By Extensive Cooperation Of The State With Religious Associations. Partnership Relations Between The State And Religious Associations Within This Type Can, On The One Hand, Positively Influence The Development Of Social Relations In Various Spheres Of Relations, Including Social (Education, Culture), On The Other Hand, To Extinguish Interethnic Conflicts In Religious And Other Motives, Contribute To The Formation Of Social Harmony. In Its Positive Orientation, The Classical Type Is The Best Variant Of The Secular Model Of The State Among The Rest. At The Same Time, Countries Of This Type Are Characterized By Both The Historical Synthesis Of The Secular And The Religious And The Struggle Between Them For Independence. The Indifferent Type Reflects The Active Desire Of The State To Distance Itself From All Religious Associations, Creating An Informal Ban On Any Manifestation Of Preference For Any Religion. This Model Is Sometimes Referred To As "Secular Or Civil Religion" [4, P. 16; 18. P. 141].

The Discourse Of Freedom Of Conscience And Secularism Conducted In Various Humanitarian Disciplinary And Interdisciplinary Fields And Used Various Approaches Within These Paradigms. In Recent Years, The Comparative (Comparative) Approach Became More And More Widespread. In This Article, We Proposed Considering The Problems Of Freedom Of Conscience And Secularism Within The Secularisation Framework - The Separation Of The State From Religion. The Editors Of The Collection "Religion And Secularity", M. Eggert And L. Hölscher, Noted That Secularization Had Been A Powerful Force In Many Societies. However, It Had Its Specific Features And Its Special Meaning [5, P. 2]. Therefore, In The Theoretical Discourse On Secularization, Attention Paid Not Only To Socio-Political Philosophy, Sociology, Cultural Studies, Religious Studies But Also To The Cultural And Historical Aspects Of Its Types And Forms.

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On The Whole, One Could But Agree With The High Assessment Of The Productivity And Prospects Of Studying The Features Of Secularism In Individual Countries, Cultures, Civilizations And The Importance Of A Comparative Approach To The Analysis Of The Ideology And Practice Of Secularism. At The Same Time, It Should Be Noted That The Researcher's Fundamental Ideological Attitudes Determine Any Analysis Of Secularism. Talal Assad Wrote That Secularism Was Not Only The Separation Of Religion From The State. Secularism Was A New Look At Religion, Ethics, Politics [6, P. One]. Instead, It Should Be Said That The Researcher's Ideological Positions That Determine The Peculiarities Of The Approach To The Phenomenon Of Secularism. On This Basis, The Systematization Of The Concepts Of Secularism Should Also Be Carried Out.

The Postulate Determined The Political And Legal Content Of The Principle Of Secularism That Religious Affiliation Should Be A Personal Matter Of Citizens, A Product Of Their Voluntary And Free Choice. Therefore, State Institutions Should Be Neutral About Religion. In A Democratic State Governed By The Rule Of Law, The Principle Of Secularity Should Guarantee The Equality Of Citizens, Regardless Of Their Religious, Political, Social Affiliation, And The Principle Of Equality Before The Law Prevails.

For Example, The Constitution Of The Republic Of Kazakhstan Asserts Itself As A Democratic, Secular, Legal And Social State, The Highest Values Of Which Are A Person, His Life, Rights And Freedoms. The State-Legal Status Of The Republic Of Kazakhstan, In Which The Issue Of Peaceful Harmony, Intercultural And Ethnic Dialogue Is The Highest Priority Of The Country, Freedom Of Conscience And Religion Is One Of The Constitutional Rights Of Citizens, Following International Treaties And Declarations On Human Rights, Allows The Multinational People Of The Country To Exercise Their Rights And Freedom Within The Framework Of A Democratic, Secular, Legal And Social State [1, Article 1].

The Fundamental Principles Of The Activities Of The Republic Of Kazakhstan Are Social Harmony And Political Stability, Economic Development For The Benefit Of The Whole People, Kazakhstani Patriotism, Solution Of The Most Critical Issues Of State Life By Democratic Methods.

From The Moment Of Gaining Independence Until Today, Realizing The Vital Role Of Interethnic And Interfaith Harmony And Stability In Society, The President Of Kazakhstan Na. Nazarbayev Put Forward Initiatives To Create An Assembly Of The People Of Kazakhstan And Hold The Forum Of World And Traditional Religions In The Capital Of The Republic - The City Of Nur-Sultan. Also, The State, Like Many Countries Of Western And Eastern Europe, Signed The "Pact On Civil And Political Rights", Thereby Assuming The Responsibility To Guarantee The Observance Of Freedom Of Thought, Conscience And Religion And The Recognition Of The Right To Express, Separately Or Together With Others, Publicly Or Privately. Or Beliefs With The Only Limitation Prescribed By Law And Necessary To Protect Such Fundamental Values As Public Order, Health Or Morality, The Rights And Freedoms Of Others.

In 2014, The Agency Of The Republic Of Kazakhstan For Religious Affairs And The Spiritual Directorate Of Muslims Of Kazakhstan, As Well As The Orthodox Church Of Kazakhstan, Signed Agreements On Cooperation In The Field Of Preserving Harmony And Tolerance In Society, The Implementation Of Which Would Become A Unique Experience Of Joint Work Of The State And Religious Organizations For The Benefit Of The Kazakh People.

All These Measures Aimed At Improving State-Confessional And Inter-Confessional Relations In The Country And Abroad, Overcoming The Spiritual Vacuum And The Threat Of A Crisis In Society's Moral And Ethical Values , At Preventing Conflicts, Manifestations Of Intolerance And Radicalism In Any Of Its Forms. Today, Kazakhstan Shows The Whole World A Vivid Example Of National Consensus And Consolidation Of Society In The Name Of Peace And Achievement Of National Goals.

At Present, Representatives Of More Than 120 Nations And Nationalities, Representing 18 Confessional Groups, Live In Peace And Harmony In Kazakhstan. Most Of The Believing Citizens Today Are Fully Covered By The Required Number Of Religious Organizations. They Are Allowed To Participate In Public Life To Satisfy Their Religious Needs Fully.

The Constitution Of The Republic Of Uzbekistan Enshrines The Rule On Freedom Of Religion For Every Person. Particular Attention Paid To The Improvement And Liberalization Of National Legislation In The Field Of Religion. To Ensure Interethnic And Interfaith Harmony In Society, A Legislative Framework Has Been Created To Observe Citizens' Rights And Legitimate Interests.

In Recent Years, Large-Scale Reforms Have Been Carried Out In Uzbekistan Within The "Action Strategy" Framework In Five Priority Areas Of Development Of The Republic Of Uzbekistan In 2017-2021. The Action Strategy Aimed At Increasing The Efficiency Of The Reforms Being Carried Out, Creating Conditions For Ensuring The Comprehensive And Accelerated Development Of The State And Society. Ensuring A Constructive Foreign

Policy, Security, Interethnic Harmony And Religious Tolerance, Strengthening Interfaith Peace Were The Priority Tasks Of The People Of Uzbekistan.

In The Current State Programs For The Implementation Of The Action Strategy, The Issues Of Organizing Religious And Educational Events And International Scientific And Practical Conferences Dedicated To The Life, Scientific Heritage Of Uzbekistan And The Idea Of Religious Tolerance Actualized, At The Same Time, The Humanistic Essence Of Islam Activated, Its Ministry Based On The Idea Of "Education Against Illiteracy".

The Policy Pursued In Uzbekistan In The Sphere Of Religion Based On The Principles Of A Secular State, Tolerant And Equal Attitude And Referred Towards All Religions. Representatives Of Different Nations And Ethnic Groups Professing Islam, Christianity, Buddhism, Judaism, And Other Religions Operate On Equal Terms. For This, Conditions Had Been Created For All Representatives Of Confessions To Freely And Freely Profess Their Religion, Such As Religious Organizations Operating Within The Legislation Framework, Registered With Authorized Bodies, Freely Publishing Literature, Training Religious Leaders, And Organizing Pilgrimages.

According To The Latest Data, There Were 2,276 Religious Organizations In Uzbekistan, Including 183 Non-Islamic Religious Organizations, Of Which Eight Are Jewish Communities, Six Bahai Communities And One Jehovah's Witnesses, A Hare Krishna Society, A Buddhist Temple, As Well As The Interfaith Bible Society And Others, Which Represent 16 Different Denominations.

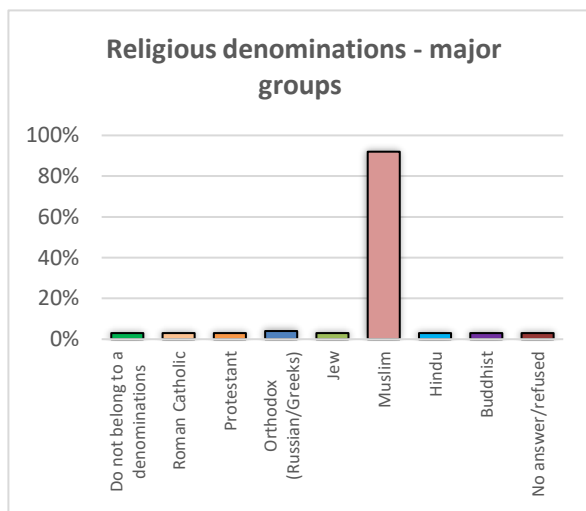
In The Period 2017-2019, Resolutions Of The President Of The Republic Of Uzbekistan "On Measures To Improve The Activities Of The Committee On Religious Affairs Under The Cabinet Of Ministers Of The Republic Of Uzbekistan", "On Additional Measures To Improve The Activities Of The Religious And Educational Sphere" Religious And Educational Sphere ", Which Aimed At Further Improving Activities In The Religious Sphere.

According To The Data Of The World Values Survey, Conducted Among Uzbek (Data From 2010-2014, Recent Years Of Research Were Not Available In The Database) And Kazakhstani (Data From 2017-2020) Respondents, The Distribution Of Religious Identification Of The Population Of Uzbekistan And Kazakhstan Has The Following Indicators [7] (Table 1):

	Uzbekistan, Overall %	Kazakhstan, Overall %
Do Not Identify Themselves With Religion	0,6	8,3
Belong To Islam	95,1	67,6
Identify Themselves As Orthodox	3	18,6
Identify Themselves As Buddhist	0,1	0,6
Identify Themselves As Catholic	0,1	0,5
Challenging To Answer	0,7	2,1
Total Number Of Respondents	1,5 (100%)	1,276 (100%)

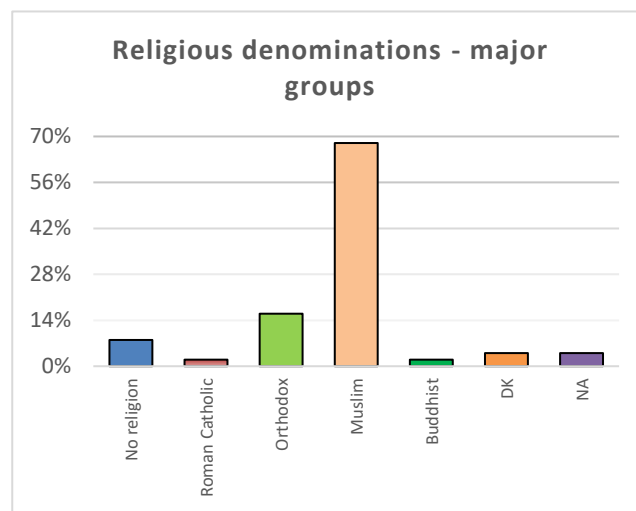
Table 1. Religious Confessions Of Republic Of Uzbekistan And Kazakhstan

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Percent of Base N=1500

(Table Uzbekistan 2010-2014 Yy.)



Percent of Base N=1276

(Table Kazakhstan 2017-2020 Yy.)

Based On The World Values Survey Data, The Preference Of The Citizens Of Uzbekistan And Kazakhstan In The Choice Of Religious Identification Clearly Demonstrated. The Predominant Number Of Muslim Believers (Uzbekistan - 95.1%), (Kazakhstan - 67.6%) Based On The Historical And Cultural Heritage Of The People Of Central Asia, In Which The Religion Of Islam Made A Considerable Contribution To The Development Of The Ideological Foundations Of The People.

During The Years Of Independence, The Government Of The Republic Of Uzbekistan Began To Implement A Policy To Ensure Freedom Of Conscience, Revive And Develop Islamic Culture, Study And Promote The Rich Scientific And Cultural Heritage Of Ancestors, Restore And Improve Islamic Shrines.

"We Consider The Most Important Task To Bring To The Broad World Community The Truly Humanistic Essence Of Islam. We Honour Our Sacred Religion As The Centre Of Indigenous Values. We Strongly Condemned And Would Never Reconcile With Those Who Place Our Great Faith On A Par With Violence And Bloodshed. Islam Called Us To Goodness And Peace, To Preserve The True Human Principle," Sh. Mirziyoyev Emphasized Speaking At The 72nd Session Of The Un General Assembly [8].

Preservation Of Religious And Spiritual Heritage, Enrichment Of Existing Funds In Uzbekistan, Creation By Domestic And Foreign Researchers Of The Necessary Conditions For Working With Historical Sources, A Comprehensive Study Of Samples Of Cultural And Historical Heritage Is Some Of The Priority Tasks Included In The Action Strategy 2017-2021.

In May 2017, President Shavkat Mirziyoyev Signed A Decree "On Measures To Improve Further The System For Storing, Researching And Promoting Ancient Written Sources." The Implementation Of This Task Envisaged In Solving The Practical Study Of Lithographic Books, Historical Documents, Ancient Manuscripts Of Scientific And Theological Schools.

In Recent Years, Uzbekistan Has Expanded The Opportunities For Obtaining Quality Religious Education. An Essential Result Of The Reforms Was The Creation Of The International Islamic Academy Of Uzbekistan In 2018. Within The Academy Structure, A Center For Advanced Studies Created With Regional Branches In The Republic Of Karakalpakstan, Namangan, Samarkand And Surkhandarya Regions. The "Ziyo" Media Centre Has Been Established At The International Islamic Academy Of Uzbekistan, Which Carries Out Media Information Activities That Promote Ancestors' Religious And Scientific Heritage And Bring To The Public The True Humanistic Goal Of Religious News In Religious And Educational Life. Besides, Under The Administration Of Muslims Of Uzbekistan, The Charitable Public Foundation "Waqf" Was Established, Whose Tasks Were To Finance The Reconstruction Of

Mosques, Places Of Pilgrimage, And Other Facilities, To Provide A Material And Technical Base And To Provide Material Support To Workers In This Area [9].

A. Al-Nayyim Summarized The Main Approaches To Understanding Secularism That Met The Religious And Cultural Traditions Of Islam, In The Following Provisions: "My Goal Is To Confirm And Support The Institutional Separation Of Islam And The State, Which Is Necessary For The Sharia To Play It's Positive And An Educational Role In The Life Of Muslims And Islamic Societies. This View Can Also Be Called "Religious Neutrality Of The State", According To Which State Institutions Do Not Support Or Deny A Religious Doctrine Or Principle. The Purpose Of Such Neutrality Is The Freedom Of Individuals In Their Communities To Accept, Challenge Or Change Any Views On A Religious Doctrine Or Principle" [10, P. 4].

Conclusion

When Studying Models Of State-Confessional Relations, It Was Necessary To Consider The Context In Which They Formed. In Each Country, Special Features And Nuances Of The Relationship Between The State And Religious Organizations, Characteristic Only Of A Given Country, Formed Adequately. There Were Several Criteria For State-Confessional Relations In A Particular Country: The Significance Of The Historical And Cultural Heritage, Religion From The Point Of View Of The Interests Of The State And Society; Dominant Component Of Adherents Of A Specific Religion; The Historical Role Of Religion In A Given Country; Participation Of Religious Organizations In Public Life.

Comparative (Fair) Methodology, In The Context Of Involvement In Globalization Processes Of All Humanity, Implemented New Complex Strategies For Studying The Cultural, Spiritual, Political And Legal Dynamics Of The Modern World. The Dialogue Of Universal Humanistic Values With The Religious Values Of The Existing Confessions In The Central Asian Region, The Construction Of State-Confessional Relations, As An Integral Basis Of The Historical And Cultural Process, Demonstrated That Cultural Heritage, Tradition And Religion Remained Timeless, Regardless Of The Historical Periods Of Development And Formation Of Modern States Uzbekistan And Kazakhstan. Such A Dialogue, Designated By Us As A Secular Process Of Interaction Between The State And Religious Organizations, Had A Legal Form For Implementing Activities And Deeper Roots That Went Back Centuries, Linking The History, Culture, And Tradition Of The Peoples Of Central Asia.

The Primary Foundation In The Construction Of A Free, Secular And Democratic Society, A Spiritually Enriched People Who Honours And Respects The Origins Of A Rich History Of Culture And Traditions, Religious Enlightenment Of Their People Was Unity In The Implementation Of Political And Legal Norms In The Field Of Religion, The Preservation Of Cultural And Historical Monuments, Literary Heritage, Ideological Approach To The Manifestation Of Tolerance Within Society.

In General, Religious Tolerance Was One Of The Main Factors Contributing To The Peaceful Life Of Representatives Of Various Confessions, The Further Development Of Society And The Country Of Uzbekistan And Kazakhstan. The Ongoing Reforms And Strategic Objectives Of Each Of The Countries (Uzbekistan And Kazakhstan) To Strengthen Interfaith And Interethnic Harmony And Religious Tolerance Contributed To Maintaining Peace And Stability, Reducing The Spread Of Extremist Ideology Throughout The Central Asian Region.

Conflict Of Interests And Contribution Of Authors

The Authors Declare The Absence Of Obvious And Potential Conflicts Of Interest Related To The Publication Of This Article And Report On The Contribution Of Each Author.

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List Of References

1. 1 Конституция Республики Казахстан. – Алматы: Издательство «Норма-К», 2002, 40с.

2. 2 [Конституция Республики Узбекистан \(Constitution.Uz\)](#)
3. 3 Понкин И.В. Типология Государств По Критерию Светскости // [Www.Cddk.Ru](#). 21.02.2015.
4. 4 Деникаева С.Э. Конституционно-Правовые Основы Формирования Российской Федерации Как Светского Государства: Дис. Канд. Юрид. Наук. Махачкала, 2006.
5. 5 Eggert M. And Hölscher L. (Eds). Religion And Secularity. Transformations And Transfers Of Religious Discourses In Europe And Asia. – Leiden & Boston: Brill Academic Publishers, 2013. – Xii + 286 P.
6. 6 Asad T. Formations Of The Secular: Christianity, Islam, Modernity. – Stanford: Stanford University Press, 2003. – 280 P.
7. 7 World Values Survey [Электронный Ресурс] / Online Data Analysis – Kazakhstan – Uzbekistan - **World Values Survey Wave 6: 2010-2014** – V144.- Religious Denomination – . – Режим Доступа: [Http://Www.Worldvaluessurvey.Org/Wvsonline.Jsp](http://www.worldvaluessurvey.org/Wvsonline.jsp), Свободный– Загл. Сэкрана.
8. 8 Ш. Мирзиёв, Выступление На 72-Й Сессии Генеральной Ассамблеи Оон *Управление Мусульман Узбекистана (На Узбекском, Английском, Русском, Арабском Языках)*. – *Ташкент, 2014*. – С. 78–93. 51
9. 9 Стратегии Действий По Пяти Приоритетным Направлениям Развития Республики Узбекистан В 2017-2021 Годах.
10. 10 Abdullahi Ahmed An-Na'im'. Islam And The Secular State: Negotiating The Future Of Shari'a. – Harvard University Press, Cambridge, Massachusetts, And London, England, 2008. – 324 P.