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## **CORRELATION BETWEEN RELIGIOUS AND LEGAL NORMS AT THE STAGE OF POSTSECULARISATION**

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### **Abstract**

The article describes the main stages of interaction between the law and religion. Based on the research into the religious orientations and legal consciousness prevailing among students in Kazakhstan, a conclusion has been drawn that the socio-cultural characteristics of the modern youth should correspond with legal regulations that make possible the very existence of society as a certain integral formation. Meanwhile, religion serves as a moral stabilizer of social life. The authors have conducted an analysis of the current stage of postsecularisation in terms of the correlation between the law and religion in Kazakhstan. Based on the results of sociological research into the religious views and legal consciousness of students in Kazakhstan, the authors have made conclusions about the trends in the development of religiousness in students and its correlation with the development of legal consciousness.

*Keywords:* behaviour, sociology, religion, communities, institutions

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### **1. Introduction**

One of the most challenging issues related to the functioning of the regulatory system of societies that are secular according to the legislation is the issue of the correlation between the law and religion [1]. It is explained by the complex and multi-faceted nature of these phenomena, on the one hand, as well as by sometimes wrong understanding of the evolution of the very regulatory system in the above-mentioned societies, on the other hand. As a rule, the latter is caused by the common idea that the dominant feature of the development of the correlation between the law and religion in a secular society is a constant linear movement towards secularization of the law and its disassociation from religion.

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This approach seems oversimplified, since neither the fact that religion is eliminated from social life as a means of regulation of human behaviour nor the apparent influence of religion on legal and political decisions fit into this view. According to A. Kyrlezhev [2], the above-mentioned development (in a modern secular state) includes three stages.

The first stage is syncretism, when religion serves as the source of origin, existence and justification of the law and state as well as their purpose. At this stage, the legal behaviour of people is a derivative from their religious life.

The second stage of secularization implies the separation of social phenomena and institutions, including the state and legal reality, from religion and their juxtaposition. All manifestations of religion are perceived as a conservative factor of human legal existence, the influence of which should be neutralized.

The third stage is the modern stage of a postsecularised society, when the first two stages are combined in a dialectical way. At the doctrinal level, this stage is accompanied by the emergence of various concepts that accept certain significance of religion for the functioning of the law and state, its influence on legal consciousness of individuals and society as a whole and admit the possibility of the existence of a religious view on the law [3].

According to some researchers [4], the correlation between the law and religion at the stage of postsecularization is determined by admitting that the phenomenon of religiousness cannot disappear. Historical development confirms the constant human need for both the model of worldview suggested by religion and normative regulation based on absolute transcendental values. The experience of implementation of atheistic social projects allows us to make the following conclusion. Forced displacement of the religious component from social life leads to the destruction of such projects (especially state legal projects, such as ‘the world’s first atheist state’ of Albania). What happens is an excessive relativization of social institutions and, as a result, a considerable reduction of their functional potential. Displacement of the religious component can also lead to a rapid filling of the traditional religious sphere with religious attributes (for example, as it happens in the case of communism).

Realizing the impossibility of religion to disappear at the level of legal cognition calls for the rehabilitation of the religious paradigm in terms of interpretation of law, i.e. admitting the possibility of religious justification of law. It should be mentioned that at the present stage the ideas of religious interpretation of law (in their moderate version) are developed not by returning to the narrative of the divine origin of law but rather, as B. Turner noted, on the basis of the beliefs about the presence of the element of faith in the main moral, political and legal values (justice, freedom, human rights, democracy), comprehension of which happens not only rationally, but also in the religious way as the main legal tradition of any state [5].

A postsecularised society is also characterized by a stronger mutual influence of the law and religion as forms of consciousness and normative regulators (as compared with the secularization stage). Surely, a postsecularised

society does not come back to the recognition of religious norms as the source of law. However, the indirect influence of religion on the formation and force of law grows stronger, which is manifested, among other things, in the assistance to the genesis of new legal norms or institutions or impeding this process. For example, social discussions about the possibility of legal recognition of euthanasia, artificial termination of pregnancy and same-sex marriage are to a large extent supported by religious arguments. How precisely such norms established in society are subsequently reflected in the legislation influences the effectiveness of these prescriptions, the state of law and order as well as public accord. In addition, religion has an impact on the evolution of the legal system in general and on its stability. A legal system that has a religious component in its foundation is more stable and effective, since in the context of secular law religion protects the law from excessive relativism and utilitarianism and ensures the connection between the law and general human values [6].

In a postsecularized society, law can also have a significant impact on religion, which is not limited by legal regulation of religious relations. In particular, the impact of the law on religion can be perceived at the level of individual and public consciousness. Religion as a form of consciousness is always characterized by authoritativeness to the effect that in their internal and external activities, a believer feels the connection with a sacred authority figure (in Abrahamic religions God serves as such a figure), which represents the ultimate goal and the value criterion for their existence. This fact underlies the cautious attitude among adherents to certain religions to people belonging to a different religious community, who are deprived of the connection with the sacred authority. Researchers note that law, in its turn, serves as a global culture promoting compromise, agreements, arbitration and all kinds of exchanges, which is perceived in legal consciousness as antiauthoritativeness [7]. Therefore, the reinforcement of the role of law in society and simultaneous social rehabilitation of religion leads to the transfer of the orientations towards anti-authoritativeness to the level of religious consciousness.

Finally, the last characteristic of the correlation between law and religion in a postsecularised society identified by researchers is the transformation of the relationship between state and religion, which involves a departure from the traditional autonomous model of relations between state and religious institutions and revision of the established understanding of a secular state [8]. Secularism of a modern state (in particular, Kazakhstan) does not imply its indifference to religious issues [9]. A state that is neutral to religion is not antireligious, since, as L.R. Sukiyanen fairly noted, “neutrality in terms of religion does not mean that it (the state) implements, supports and ‘sponsors’ the atheistic religion” [10].

The objective of this research is to identify the correlation between religious and legal norms at the stage of postsecularization as exemplified by religious orientations and legal consciousness of students in Kazakhstan.

The hypothesis of the research is the following: the current stage of the correlation between law and religion in Kazakhstan can be characterized as the stage of postsecularization, which possesses the following specific features: a) recognition of the impossibility of the phenomenon of religion to disappear in society, b) growth of the mutual influence of the legal and religious systems, c) revision of the traditional autonomous model of the relationship between state and religious institutions towards reinforcement of their cooperation.

## 2. Methods

Realizing that young people represent a social group that is the most susceptible to various social changes, we conducted research into religious orientations and legal consciousness of students in Kazakhstan.

The questionnaire method was used in the course of this research. The survey took place from July 10, 2019 to August 10, 2019. Survey sample (random): 124 full-time students studying for nonreligious and non-legal degrees aged from 17 to 22. Sampling error: 1.75 (p = 0.95).

## 3. Results

The research into religiousness of students in Kazakhstan produced the following results: 40.6% of the respondents consider themselves to be religious people, 45.9% - rather religious than nonreligious, 6.4% - rather nonreligious than religious, 4.2% - nonreligious, 2.9% - atheists. In general, female students are more religious (Table 1).

**Table 1.** Religiousness of students.

Answer options	Total (%)	Male (%)	Female (%)
I am a religious person	40.6	37.7	41.1
I am a nonreligious person	4.2	8.7	3.5
I am rather religious than nonreligious	45.9	42	46.5
I am rather nonreligious than religious	6.4	5.8	6.5
I am an atheist	2.9	5.8	2.4

About 85% of the respondents believe that a modern person needs religion. Only 5% gave a negative answer and 10% were undecided. It should be noted that there is a significant difference between the answers provided by male and female respondents. There were many more male respondents among those who expressed a negative attitude to religion in the modern world (Table 2).

**Table 2.** Attitude of young people to religion.

Answer options	Total (%)	Male (%)	Female (%)
It is necessary	85	78.3	86
It is not necessary	5	14.5	3.5
I don't know	10	7.2	10.5

As M.O. Orlov notes [11], in order to understand the process of formation of religious orientations in young people, it is important to distinguish between two forms of religious self-determination: the first one is a result of family upbringing and connecting to cultural values of one's own people and the second one is a result of secondary socialization, when a young person chooses a religion corresponding with their beliefs based on their own experience. Therefore, for the purpose of studying the impact of family on the process of formation of religious orientations in young people, the respondents were offered to answer a question about religiousness of their parents. 82.5% of the respondents said that their parents were religious, 0.2% - atheists, 13.3% - nonreligious; 4% of the respondents said that one of their parents was religious and the other one was nonreligious or an atheist (Table 3).

**Table 3.** Religiousness of parents.

<b>Answer options</b>	<b>Total (%)</b>	<b>Male (%)</b>	<b>Female (%)</b>
Religious	82.5	82.6	82.5
Nonreligious	13.3	13	13.3
Atheists	0.2	0	0.2
One of the parents is religious	4	4.4	4

Secondary socialization is connected with acquiring a certain profession and as far as students are concerned - with the process of studying at university. In the course of studies and leisure activities, students enter a certain circle of people, interaction with whom can influence their worldview or religious attitudes. That is why we included a question about religiousness of friends and acquaintances of respondents in the questionnaire. 36.2% of the respondents said that over a half of their acquaintances and friends were religious, 27.8% think that religious people constitute a little less than a half of their friends and acquaintances, 13% could not answer this question. Only 1.7% of the respondents said that there were no religious people among their friends and acquaintances at all (Table 4).

**Table 4.** Religiousness of friends and acquaintances.

<b>Answer options</b>	<b>Total (%)</b>	<b>Male (%)</b>	<b>Female (%)</b>
A lot (over 50%)	36.2	29	37.4
Not many (less than 50%)	27.8	23.2	28.5
A few (less than 25%)	21.3	30.4	19.6
None	1.7	1.5	1.7
I don't care	13	15.9	12.6

These results suggest that students take an interest in the religion the surrounding people stick to and actively discuss the issues related to religion.

In connection with these changes in the religious life of Kazakhstan, the students were offered to assess the religious situation in the country. The results of the survey have shown that 77.5% of the respondents consider it normal, tense

but not difficult - 10%, difficult - 4%, difficult but with a trend towards normalization - 3.3%, 5% of the respondents were not able to give a clear answer to this question. On the whole, the state of interconfessional relations is perceived as normal.

The answers given by the respondents to the question ‘What should the religious orientation of Kazakhstan be in your opinion?’ show that 85% of the respondents believe that the interconfessional relations should be based on the principle of worldview pluralism. Such a high percentage of advocates of tolerance to other confessions is a result of the Kazakh traditional multiconfessional environment and testifies to religious tolerance typical of Kazakhs.

Kazakhstan belongs to the group of countries where new religious movements and unconventional denominations spread significantly [12, 13]. Therefore, in the course of our survey, we asked the respondents about their attitude to unconventional religious movements. According to the provided answers, only 2.1% of the respondents treat them positively, 41.2% - negatively, 56.7% - neutrally (Table 5). However, a follow-up question (‘Name the unconventional religious movements in Kazakhstan that you know’) has shown that the majority of students do not know much about the religious organizations that are nontraditional in Kazakhstan. Besides, quite a significant number of respondents could not specify a single unconventional religion or a new religious movement that has spread in Kazakhstan.

**Table 5.** Attitude of young people to non-traditional religious movements.

<b>Answer options</b>	<b>Total (%)</b>	<b>Male (%)</b>	<b>Female (%)</b>
Positive	2.1	4.5	1.7
Negative	41.2	43.5	41.1
Neutral	56.7	52	57.2

In the mass media, there are often reports about large numbers of believers who attend festive religious services, both Muslim and Orthodox. This fact often serves as a basis for the conclusion that Kazakhs are quite religious. In order to research the participation of young people in religious activities, we included the following question in the questionnaire: ‘How often do you attend mosques (Orthodox churches, etc.)?’ (Table 6). The obtained results have confirmed the trend typical not only of Kazakhstan, but of all countries of the former Soviet Union.

**Table 6.** Attending places of worship.

<b>Answer options</b>	<b>Total (%)</b>	<b>Male (%)</b>	<b>Female (%)</b>
Only on major religious holidays	72.6	69.6	71.3
Regularly	14.9	8.7	15.9
I never attend such places	12.5	21.7	11

Apart from attending religious services, an important factor is being familiar with religious literature. Reading such literature encourages spiritual growth and allows people to understand the creedal aspects of their confession better. Tellingly, when asked the question 'Are you interested in religious literature?', only 3.6% of the respondents said that they regularly read such literature, 9.7% said that they read such literature occasionally, 50% - very rarely, 36.5% do not read it at all.

Research into the legal consciousness of students has produced the following results. Answering the question 'How do you assess your level of legal culture?', 53.1% of the students admitted that they do not know laws perfectly, but are trying not to violate them; 11.2% of the respondents are not familiar with law, but never violate any moral or ethical rules of behaviour. Only 15.8% of the respondents said that they know laws and never violate legal norms, while 17.4% admitted that they are familiar with laws, but sometimes violate them if they are sure that it will remain secret. It is gratifying that only 1.9% of the students do not know laws and do not care if they violate them because they always act in their own interests; 0.6% of the respondents could not assess their own level of legal culture.

Answering the questions about the correlation between religious and legal norms, the respondents have said that religious norms are an important component that regulates their behaviour. To be more precise, 21% of the respondents said that they are always guided by religious commandments in their lives and 63% sometimes rely on them.

The answers to the questions of our survey related to the principles and role models guiding young people in their everyday lives are another confirmation that religious beliefs shape important regulatory behaviour patterns. The respondents were offered to choose all suitable options. The results were as follows: 33% of the respondents model their behaviour according to their parents' instructions, 31% - according to their family culture (the upbringing they received), 30% try to follow their own ideals, 27% are guided by their religious views, 16% rely on the behaviour rules generally accepted by society and 7% follow the example of other people. These results prove that religious views represent one of the key factors that govern the behaviour of young people along with family upbringing and universal moral principles.

When asked the question 'What kind of person and their behaviour does your confession promote among its adherents?', 62% of the respondents said that it was proactive behaviour of a creative person in all spheres of social life, while 30% mentioned active righteous behaviour only in terms of faith and the community, but inactive in other spheres of life. Young people think that religion should meet the requirements of modern time so that people with their hectic lifestyles could find support in it and rely on it.

Young people have also pointed out that religion and church have a positive impact on the prevention of illegal behaviour among the youth (46%). The answers provided by the respondents to the question 'Can religion prevent unlawful activities in your life?' specify the significant positive influence of

religious norms on everyday behaviour of young people in terms of the law. 67% of the respondents gave a positive answer, 30% were undecided and only 3% believe that religion cannot prevent their own illegal actions. At the same time, 77% of the respondents believe that religion plays a significant role in strengthening the traditions and morals in society, 14% think that the role of religion is only partially significant and 8% are not interested in this subject. The participants of the survey said that the most effective social institutions in terms of shaping legal consciousness and lawful behaviour were education (70%), family (61%), religion (50%), state (45%) and random circumstances (36%).

#### **4. Discussion**

In our opinion, the results of the research into the legal consciousness of students in Kazakhstan confirm that religious requirements and priorities are quite a significant factor in the development of legal consciousness of individuals. All holy writings highlight the sinful nature of such unlawful activities as murder, robbery, abuse, indecent behaviour and debauchery. We believe that faith leaves its stamp on human behaviour in everyday life. For example, a religious person refrains from using bad language in the course of communication or cast a slur on others. A religious person develops a certain barrier that forbids them to commit illegal actions. Therefore, adherence to religious norms is especially important for young people, students in particular, since they constitute the social group that represents the future of any country; they are bearers and active creators of traditions of their people.

As we see it, it is also important that young people do not only absorb religious norms, but also internalize the absorbed norms at the personal level and develop their own normative system, where a significant role would belong to the religious sphere. Analysis of the answers provided by the students as to the qualities necessary for a religious person suggests that such a person should be honest and altruistic and rely on religious commandments in their everyday life. According to the respondents, the main characteristics of a religious person should be kindness, honesty, benevolence, good manners, sincerity, love, living in line with the commandments, Faith, justice, modesty and common sense. Thus, religion as a social institution plays a significant role in the spiritual life of the country and encourages the strengthening of public morals.

Socio-cultural characteristics of the modern youth should correspond with legal regulations that make possible the very existence of society as a certain integral formation. Meanwhile, young people believe that religion serves as a moral stabilizer of social life. We cannot but agree with this statement, since the majority of religious systems channel upbringing into overcoming egotism inherent in people and the values promoted by religion to a large extent coincide with secular legal regulations.



In our opinion, the state should be interested in accomplishing its tasks of creating a religious and value foundation for the life of its citizens and society. In other words, apart from guaranteeing non-interference in the religious life of a person, the state must implement certain legal, administrative and management measures. These measures must be aimed at creating the necessary conditions for the development of the nongovernmental religious sector. This will provide citizens with the full-fledged exercise of their freedom of religion (by improving the corresponding legislation and management system, transfer of historical monuments to religious communities if possible (on condition that they are maintained in a proper condition), protecting religious rights of people serving in the army, other paramilitary forces and in detention facilities). Moreover, it will not violate the constitutional principle of equality of all citizens in their rights and before the law.

## **5. Conclusions**

The conducted research has shown that the process of formation of religiousness in students in Kazakhstan generally reflects the tendencies typical of the population of former Soviet countries. At the same time, religion serves as a moral stabilizer of social life.

Therefore, the hypothesis of the research has been proved: the current stage of the correlation between law and religion in Kazakhstan can be characterized as the stage of postsecularization, which possesses the following specific features: a) recognition of the impossibility of the phenomenon of religion to disappear in society, b) growth of the mutual influence of the legal and religious systems, c) revision of the traditional autonomous model of the relationship between state and religious institutions towards reinforcement of their cooperation.

Conducting equivalent research with the participation of religious students and comparative analysis of the correlation between religiousness and legal consciousness in representatives of various confessions can be potential directions for further research.

As a result of the research, its objective has been accomplished and the suggested hypothesis has been proved.

## **References**

- [1] S.N. Astapov, *Filosofiya prava*, **5(78)** (2016) 26-30.
- [2] A. Kyrlezhev, *Kontinent*, **120** (2004) 38-42.
- [3] E.N. Pluzhnikov, *Vestnik instituta sotsiologii*, **4** (2012) 51-60.
- [4] A.A. Radugin and O.A. Radugina, *Vestnik VGU*, **1** (2017) 156-164.
- [5] B. Turner, *Gosudarstvo, religiya, tserkov v Rossii i za rubezhom*, **2(30)** (2012) 21-51.
- [6] J. Habermas and I. Ratzinger (Benedikt XVI), *Dialektika sekulyarizatsii. O Razume i Religii (The dialectics of secularization: on reason and religion)*, St. Andrew's Biblical Theological Institute, Moscow, 2006, 112.

- [7] J. Milbank, *Faith, Reason, Imagination: the Study of Theology and Philosophy in the XXI Century*, in *The Future of Love: Essays in Political Theology*, SCM Press, London, 2009, 314-334.
- [8] T.V. Mordovtseva, *Filosofiya prava*, **1(68)** (2015) 73-78.
- [9] S.M. Abylaikhan, Z.A. Karmanova, G.K. Abilkassimova, G.B. Beisenbekova and N.S. Baizhumanova, *Eur. J. Sci. Theol.*, **15(3)** (2019) 133-143.
- [10] L.R. Sukiainen, *Pravovaya mysl: istoriya i sovremennost*, **4** (2010) 23-46.
- [11] M.O. Orlov, *Religioznye fenomeny i sotsializatsiya: filosofskii analiz (Religious phenomena and socialization: philosophical analysis)*, Saratov State University, Saratov, 2012, 172.
- [12] O.K. Bekezhan and R.B. Erteleeva, *World Science*, **4(7(23))** (2017) 39-43.
- [13] T.T. Aimukhambetov, N.L. Seitakhmetova, A.T. Mukhitdenova, S.S. Rysbekova, A.O. Omirbekova and M.B. Alikbayeva, *Eur. J. Sci. Theol.*, **15(2)** (2019) 123-134.