

## The Relevance of Finding a Solution to the Problem of Allegations Validation in the Conditions of Legal Culture Formation in Civil Society

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### ABSTRACT

The aim of this study is to identify and provide a clear idea about the helpful ways in determining the truth (or reliability) of arguments in the situations where it is necessary to make a decision. In this paper, we use systemic, structural-functional, activity approaches, methods of analysis, synthesis, moreover we discuss the works of scientists who conducted the study on the subject. The truth determination of the arguments will stimulate the development and modernization of science and critical thinking in individuals. As a result, a set of training sessions is developed, with the aim of informing about the methods that can be used for checking the arguments' validity. The results of the study could serve as a basis for similar and more extensive research in this direction with the aim of increasing the training effectiveness for a successful life in today's rapidly changing world through education.

### KEYWORDS

Intellectual potential, critical appraisal, expert commentary, facts' reliability, expert opinion

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### Introduction

In modern Kazakhstan, after a former-Soviet influence period on all aspects of life, the process of new social relations' gradual formation takes place. These relations are characterized by the attainment of the common good, expressed in the man's rights and freedoms as a person (Aitzhanova, 2014).

Kazakh society should throw their full intellectual potential, moral values on the promotion and protection of civil society institutions in order to build a democratic state. After all, the democratic state designed to respect and protect the person's rights and freedoms, can be formed and approved only in a society based on high legal culture, civil and political activity, solidarity of moral statutes and worldviews (Karzhaubayev & Sydykova, 2013; Linn, 2014). After gaining independence, Kazakhstan has become an example of successful economic, political and social modernization towards other former-Soviet countries (Spehr & Kassenova, 2012).

Possessing enormous natural resources, intellectual potential and the increasing political activity of the population, Kazakhstan in the next years can enter the top thirty most developed countries in the world. This is due to successful state policy in the field of social development, political reforms, state democratization, civil society formation and population legal culture increase.

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All this leads to the living standard increase of every society member, to realizing his importance in the state, to political activity increase (Melich & Adibayeva, 2013).

### Literature review

With the development of social relations, the modern person often finds himself in situations where he becomes the object of all kinds of argumentation in different spheres of life (Wagner, 2014; Maslach & Jackson, 2013). Thus, V.R. Ruggiero (1990) wrote: "the volume and types of data encountered by modern people require more rapid and comprehensive solutions." The same author emphasized that "we live in an age of manipulation. Lots of petty people and demagogues armed with a deep knowledge in psychology are ready to play with our emotions and deepest desires, are ready to convince us that the shallow really is deep, harmful is beneficial, evil is virtuous." Of course, educated, critically thinking people understand that it is not necessary to accept as true everything that is presented as true. Still, as the researchers A. Aronson & A. R. Pratkanis (2003) point out, it is necessary to consider that: "We are surrounded by environment, extremely rich in information. <...> it becomes difficult to devote sufficient mental energy required to understand the meaning of many important current problems. It should be noted that sometimes the need to clarify the truth of any argument is merely an exercise of curiosity, and sometimes it may depend on the decision of life and death questions" (Paul & Elder, 2013; Vaughn & MacDonald, 2013).

For example, energy company plans to build the nuclear power station in the immediate vicinity of a building. Some residents are protesting because they believe that such a neighborhood will negatively affect their health. However, representatives of the energy company are trying to convince people that this neighborhood is safe and even promise to give residents a 50% discount on electricity. The situation, in which the well-being of the population depends on the choice correctness.

Many will recommend turning to the experts in situations when you need to make the decision. Since the source of people believes is the experts' judgments, as well as personal or common knowledge (Shirayev & Levy, 2015; Davies, 2013), we can say that the majority do not have direct experience related to viruses or electromagnetic radiation, but we do not doubt their existence. All these things are accepted scientific truths (Becker, Jors & Block, 2015). For example, we believe that Kazakhstan is bigger than France, and it is very cold on the Moon, although, we have not verified it. You can cite a long list of similar facts that are considered to be true. Still, it is important to remember that, as R.U. Paul (1990) noted, "Since the social world is often irrational and unfair, and people are often driven to act against their interests, the skilled thought is often used to serve someone's interest, to achieve someone's selfish interests. Therefore, the modern person has to know the answer to the question: "What determines the reliability of expert opinion?" To decide who and what to believe, we should evaluate the source of information. D. Khalpern (2000) recommends asking the following questions about the specialist, who puts forward arguments justifying any opinion:

1. Whether the "specialist" is a recognized authority in the area, in which he offers his opinion, or not? Why should you trust a specialist in computer graphics, when it comes to chemical weapons?
2. Whether the specialist an independent party in this matter, or not? If the specialist, who says that the laboratory is safe, is hired by a corporation that owns

the laboratory, then his opinion should arouse suspicion. It is not necessarily wrong, but you should be vigilant, because it does not exclude the presence of personal motives.

3. What are the evidences of the specialist's competence? Maybe he is the author of several articles on the subject that were printed in respected journals, or his competence is validated only by diploma of evening classes' completion in this specialty? Does he work in this area now? Even a recognized expert on chemical weapons of World War II may not be aware of how this area developed over the last 40 years.

4. Does the specialist have expert knowledge and personal experience on this issue? He could conclude that the laboratories on chemical weapons are safe at all without reading directly about the one supposed to be built. Whether he checked the security plan, or not? Does he know what kind of experiments are planned?

5. What methods of analysis were used by the expert? Are there any standard methods for assessing safety for laboratories where hazardous chemicals are kept? Were they used?

The decision on the references' admissibility often depends on how the information source will be assessed (Johnson, 2014). When there is a disagreement between two experts, which happens quite often, it is necessary to understand these differences and find out which expert is more competent (Salmon, 2012). It is necessary to focus precisely on those points, in which experts disagree, and consider them as detailed as possible (Howard, Tang & Austin, 2015).

### ***Aim of the Study***

To define and provide a clear view of the ways, which can help to determine the truth (reliability) of arguments in the decision situations.

### ***Research questions***

What is the truth?

### ***Method***

The dialectical and metaphysical methods and principles of knowledge are the research methodological basis, disclosing the subject of study in its integrity and continuous development, identifying its axiological and praxeological aspects. In addition, in this paper we used systemic, structural-functional and activity approaches, methods of analysis, synthesis, moreover, we discuss the works of scientists who conducted the study on the subject.

### ***Data, Analysis, and Results***

D. Khalpern (2000) notes the existing distinction between experts according to facts and estimates. When it comes to "reality" (for example, do people suffer from a larger number of diseases when living near factories that produce chemical weapons?), the expert can provide evidence in support of his conclusions, such as the results of the researches. When it comes to assessments, the identification and the role of the expert is much more difficult. For example, whether to allow euthanasia (killing the hopelessly sick for reasons of humanity) or not? A question of this kind raises the problem of whether a person has the right to terminate their own lives or not, and in this situation, no experimental data will help to conclude. A credible specialist on issues related to chemical weapons may be a

chemist, but who can be considered a reliable expert on matters of euthanasia? Could the opinion of medical personnel, clergy, and ordinary citizens be equal in the solution of this question? There are very few methods of experts' selection according to estimates. Expert by definition knows more about a certain subject than most of us. Nevertheless, professionals' knowledge is always incomplete, so it is quite natural that people may disagree on a wide range of issues, such as the feasibility of risk in various situations (Khalpern, 2000).

Thus, according to V.R. Ruggiero (1990), "of course, to turn to the experts is almost the same as bet on a horse with the best "track record". It does not guarantee success, but only provides the best opportunity. We all, both experts and amateurs, constantly form opinions on various issues". Next, V.R. Ruggiero (1990) also emphasizes that: "increasingly, what is considered true today, tomorrow becomes a delusion. Undoubtedly, there are well-known examples:

- In the early seventeenth century, when Galileo suggested that the Sun is the center of the Solar system, he was accused of heresy, imprisoned and forced to renounce his ideas. The "truth" of that time supported by all respectable scientists was that the Earth was the center of the Solar system.

- A little more than a century ago, Darwin shocked the world with his statement that the Earth is a lot more than 5000 years old and that man evolved from apes. His mistake was obvious to every schoolchild. Traditional truth then was based on the Bible.

And here are some examples that are little-known:

- For a long time surgeons used talc for rubber gloves that they wear during operations. Then it turned out that the talcum powder may be poisonous. Therefore, they began to use starch for gloves, and then found out that it also causes toxic effects on patients.

- In 1967 a bronze horse belonging to the Metropolitan Museum of Art and considered the masterpiece of ancient Greek art, was declared a fake. In 1973, the latest research proved that the piece was authentic.

- In the nineteenth century, people were taught that the Solar system consists of eight planets. In 1930, the Pluto was discovered, so that you and your parents were already taught that there are nine planets.

- For some time morphine was used by doctors to reduce the pain, but then it turned out to be a drug. Scientists began to look for a drug that would not cause addiction. Morphine was replaced by heroin.

One person's beliefs, or even the beliefs of the whole society are not necessarily true" (Ruggiero, 1990).

Of course, "the reference to the authority, to words spoken or written by someone is not related to the universal methods of reasoning. It is understood that the authorities are necessary, including the theoretical sphere. The abilities of an individual are limited, he is not able to perform and verify all of them. Largely he is forced to rely on the opinions and judgments of others. Nevertheless, he should rely not because it is said by "that man", but because what is said seems to be correct. Blind faith in the everlasting rightness of authority, and the superstitious reverence for him is hardly compatible with the pursuit of truth, goodness and beauty, which require an unbiased, critical mind" (Ivin, 2001). It is important to remember that: "man is not able to live and to think alone. He remains a "social being" in the field of thinking as arguments of each individual are based on the discoveries and experiences of other people. Often it is difficult to catch the precise point where a critical, balanced perception slips to unjustified confidence in written and said by others."

Unfortunately, the question of the reliability of those or other reasons cannot be always answered either "yes" or "no". Sometimes in the study of argumentation, it is necessary to determine how reasonable these arguments are, maybe you have to conduct your own research. At the same time, as Ben Goldacre noted in his book "Bad Science": "the process of obtaining and interpreting evidences is not taught in schools, as well as evidence-based medicine and epidemiology; however, it seems obvious that it is those scientific issues that, one way or another, exist in the information field of society" (Goldacre, 2010). Therefore, it is necessary to provide information and recommendations that will help to search for an answer about the truthfulness of arguments (references) in different situations.

Many misconceptions and challenges of scientific research frequently occur in everyday thinking. If you understand some of these problems and try to avoid them, you could use other studies more competent and could better cope with the role of the "intuitive scientist".

"When you evaluate the results of others' studies or put forward your own statements, you should keep in mind a few questions:

1. What was the nature of the sample? Is it sufficiently big? Is it representative?
2. Are the variables given tentative definitions? What do these terms mean?
3. Whether the performed measurements were sensitive, valid and reliable, or not? Whether the comparisons, confirming the conclusion, were properly conducted, or not?
4. Were the other variables controlled? How else to explain the results?
5. Whether these conclusions correspond with the conducted observations or not?
6. Whether the correlation to support causation conclusion is used or not?
7. Whether the evidence of the opposite is considered or not?
8. Whether the expectations of the experimenter could cause errors in the results' interpretation or not?" (Khalpern, 2000).

Naturally, the given recommendations on the truthfulness identification of the arguments are not exhaustive. That is why it is important to remember that:

- there is no absolutely reliable and reviewed bases and theoretical and especially practical knowledge, and you can only talk about their relative reliability;
- in the justification process many various techniques are used, the share of which varies from case to case and which are not reducible to any limited, canonical set representing the so called "scientific method" or more broadly "rational method";
- the argumentation itself has limited applicability, as it is primarily the procedure of science and related technology and it does not allow automatic transfer of the justification samples developed in some areas (and especially in science) to any other areas (Ivin, 2001).

## Discussion and Conclusions

K. Popper (1963) most accurately reflects the situation prevailing in the solution to the problem of determining the arguments' truth: "Even our experience, derived from experiments and observations, - writes the philosopher Karl Popper, - is not composed of "data". Rather, it consists of a plexus of guesses,



assumptions, expectations, hypotheses and so forth, which are associated with taken traditional scientific and non-scientific knowledge and prejudices. Such thing as pure experience, obtained in the result of experiment or observation, simply do not exist".

"In the empirical basis of objective science, - writes K. Popper (1963), - there is nothing "absolute". Science does not rest on a solid foundation of facts. The rigid structure of its theories rises constantly. It is like a building erected on piles. These piles were hammered into the swamp, but did not reach any natural or "given" base. If we stop driving piles, it is not because they reached solid ground. We stop just when we see that the piles are strong enough and capable, at least for a while, to withstand the weight of our structure" (Ivin, 1990).

Thus, if we limit the range of ways of justifying claims by their direct or indirect confirmation in the experience, it will be unclear how it is still possible to go from hypothesis to theory, from speculation to true knowledge.

### Implications and Recommendations

A set of training sessions is developed, with the aim of informing about the methods that can be used for checking the arguments' validity.

The results of the study can serve as a basis for similar and more extensive research in this direction with the aim of increasing the training effectiveness for a successful life in today's rapidly changing world through education. The study may be of interest to foreign colleagues and can contribute to experience exchange and further cooperation. Increasing the education level and legal culture leads to an increase in the living standard of every society member, to understanding of personal values for the state, and to the political activity increase.

Calling into question existing canons, we give a spur to the science development and critical thinking improvement of the individual.

### Disclosure statement

No potential conflict of interest was reported by the authors.

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