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**THE THEORETICAL AND LEGAL FOUNDATIONS OF FREEDOM
OF MOVEMENT AS A FACTOR OF SUSTAINABLE DEVELOPMENT
OF THE REPUBLIC OF KAZAKHSTAN**

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**ТЕОРЕТИКО-ПРАВОВЫЕ ОСНОВЫ СВОБОДЫ ПЕРЕДВИЖЕНИЯ
КАК ФАКТОРА УСТОЙЧИВОГО РАЗВИТИЯ РЕСПУБЛИКИ КАЗАХСТАН**

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Abstract. The article examines the theoretical and legal foundations underlying the right to freedom of movement in the Republic of Kazakhstan and its role as a catalyst for sustainable development. In the context of globalization and rapid socio-economic changes, freedom of movement is recognized as a fundamental human right and a key factor in economic, social and political stability. The article analyzes constitutional provisions, national legislation and international legal instruments that establish and protect this right. It discusses current challenges in ensuring a balance between individual freedoms and public security and outlines prospects for legal reforms aimed at strengthening the legal framework to support both human rights and sustainable development. The results highlight the interdependence between robust legal protection of freedom of movement and the long-term development goals of the state.

Аннотация. Рассматриваются теоретические и правовые основы, лежащие в основе права на свободу передвижения в Республике Казахстан, и его роль в качестве катализатора устойчивого развития. В условиях глобализации и быстрых социально-экономических изменений свобода передвижения признается одним из основных прав человека и ключевым фактором экономической, социальной и политической стабильности. Анализируются конституционные положения, национальное законодательство и международно-правовые инструменты, устанавливающие и защищающие это право. Обсуждаются текущие проблемы в обеспечении баланса между индивидуальными свободами и общественной безопасностью и излагаются перспективы правовых реформ, направленных на укрепление правовой базы для поддержки как прав человека, так и устойчивого развития. Результаты подчеркивают взаимозависимость между надежной правовой защитой свободы передвижения и долгосрочными целями развития государства.

Keywords: freedom of movement, sustainable development, legal foundations, theoretical analysis, human rights, Kazakhstan, law and order, legal regulation, socio-economic stability.

Ключевые слова: свобода передвижения, устойчивое развитие, правовые основы, теоретический анализ, права человека, Казахстан, закон и правопорядок, правовое регулирование, социально-экономическая стабильность.

In recent decades, the concept of freedom of movement has evolved from a mere individual liberty into a strategic pillar for sustainable development. Recognized as a fundamental human right

under international law [4] and enshrined in national constitutions, freedom of movement is essential for facilitating economic integration, social inclusion, and political stability. In the context of the Republic of Kazakhstan, this right is not only a marker of democratic progress but also a critical factor that underpins the country's efforts toward achieving sustainable development. The legal framework governing freedom of movement in Kazakhstan has undergone significant transformation since the country's independence. The Kazakh Constitution explicitly guarantees this right, reflecting the nation's commitment to aligning its domestic legal system with international human rights standards. This legal evolution has been further supported by a series of legislative reforms and policy initiatives aimed at reducing bureaucratic barriers and enhancing mobility. Scholars argue that such reforms are instrumental in fostering an environment conducive to innovation, investment, and socio-economic growth [6].

Kazakhstan's unique geographic position at the crossroads of Europe and Asia has long influenced its socio-economic dynamics. The freedom of movement, therefore, plays a dual role: it not only empowers citizens to seek economic opportunities and cultural exchanges but also facilitates regional integration and international cooperation. In this respect, the legal protection of mobility rights is closely linked to broader sustainable development goals. For example, enhanced mobility contributes to the decentralization of economic activity and the balanced development of urban and rural areas, which are critical components of sustainable national development [5].

However, the implementation of freedom of movement in Kazakhstan is not without challenges. Regulatory obstacles, administrative inefficiencies, and security concerns sometimes impede the full realization of this right. Such challenges require a delicate balancing act between ensuring individual freedoms and maintaining public order—a balance that is essential for social stability and long-term sustainable development [7, 9]. This study seeks to explore these challenges and to assess how current legal frameworks address the tension between facilitating free movement and safeguarding national security. Drawing on a multidisciplinary approach that combines legal theory, human rights analysis, and sustainable development perspectives, this article examines the theoretical and legal foundations of freedom of movement in Kazakhstan. It analyzes constitutional provisions, statutory laws, and international agreements to illustrate how these legal instruments collectively support the right to mobility while contributing to the sustainable development of the state. Furthermore, the study highlights the interdependence between a robust legal framework for freedom of movement and the broader socio-economic objectives of Kazakhstan. By situating the discussion within the national and international legal contexts, the analysis aims to provide comprehensive insights into how legal reform can further enhance both individual rights and sustainable societal progress [1, 10].

Overall, this research contributes to the growing body of literature on the intersection of human rights and sustainable development. It underscores the importance of continuous legal evolution and reform in ensuring that freedom of movement not only remains a protected right but also serves as a dynamic engine for the sustainable development of the Republic of Kazakhstan.

This study employs a qualitative research approach that integrates doctrinal legal analysis with comparative and contextual examination. The research is grounded in a systematic review of primary legal sources including the Constitution of the Republic of Kazakhstan as well as key statutory instruments and international legal documents such as the Universal Declaration of Human Rights. In addition, the analysis incorporates secondary sources drawn from academic literature, policy reports, and legal commentaries that address both theoretical and practical dimensions of freedom of movement [4].

The doctrinal analysis was conducted by examining the legal texts that form the foundation of mobility rights in Kazakhstan. The study analyzed constitutional provisions, national legislation,

and judicial decisions to identify how legal frameworks articulate and protect the right to freedom of movement. This process involved a careful content analysis of legal norms and principles as well as an assessment of their alignment with international human rights standards. The approach is informed by established legal theories and previous research by Smith and further contextualized by comparative insights from studies by the OECD and the World Bank [3, 7, 9].

The research also incorporates a comparative element that examines how similar legal frameworks operate in other jurisdictions with comparable socio-economic conditions. This comparative analysis provided a broader perspective on the potential impact of legal reforms in Kazakhstan and allowed for the identification of best practices that could inform future legislative developments. By comparing the Kazakh legal system with international benchmarks, the study evaluates the effectiveness of current legal measures in promoting sustainable development through enhanced mobility.

Furthermore, the study employs an interdisciplinary framework that bridges legal analysis with concepts from sustainable development theory. The interrelationship between legal protection of freedom of movement and socio-economic progress was examined through a review of relevant policy documents and sustainability reports. This interdisciplinary approach ensures that the analysis not only addresses legal technicalities but also considers broader social and economic implications. The methodology is designed to yield comprehensive insights into how robust legal protections can contribute to the sustainable development of the state and society.

In summary, the methodological approach of this study is characterized by a combination of doctrinal legal research, comparative analysis, and interdisciplinary contextualization. The integration of these methods enables a thorough examination of the theoretical and legal foundations of freedom of movement in Kazakhstan and its significance for sustainable development. The findings are expected to provide a nuanced understanding of the interplay between legal regulation and socio-economic progress as documented in the legal reforms and policy initiatives implemented in Kazakhstan.

The analysis of Kazakhstan's legal framework on freedom of movement reveals a multifaceted structure that integrates constitutional guarantees, national legislation, and international legal instruments. The doctrinal review of primary legal texts demonstrates that the right to freedom of movement is explicitly enshrined in the Kazakh Constitution (1995) and further elaborated in statutory acts such as the Law on Migration. These legal instruments collectively aim to facilitate both domestic mobility and international travel, thereby contributing to broader socio-economic and sustainable development goals [1, 9]. However, despite this robust legal foundation, challenges in administrative implementation and regulatory enforcement have been identified, which may hinder the full realization of this right in practice [8].

The quantitative analysis of legal provisions related to freedom of movement in Kazakhstan reveals that constitutional and legislative measures have undergone substantial reform and modernization over the past decades. These reforms are evident in the development and implementation of key legal instruments that explicitly protect and regulate the right to freedom of movement. The analysis identifies three principal categories of legal instruments: the national constitution, specific migration legislation, and international treaties. Each of these instruments contributes uniquely to the legal framework, reflecting both domestic priorities and international human rights standards.

The Kazakh Constitution represents the foundational legal document that enshrines the right to freedom of movement. It guarantees that citizens have the right to travel freely within the national territory and to leave or enter the country. This constitutional guarantee is not only symbolic of

Kazakhstan’s commitment to fundamental human rights but also serves as the basis for all subsequent legislation and policy measures related to mobility [6].

The Law on Migration (2003) is another crucial instrument that has been subject to multiple reforms since its inception. It establishes a comprehensive legal framework for managing migration flows, detailing the procedures for entry, exit, and residency. The law is designed to balance individual mobility with national security and economic considerations. Its provisions outline specific administrative procedures and requirements, thereby operationalizing the constitutional right into actionable legal practice. International treaties, particularly those formulated under the auspices of the United Nations, further reinforce the national legal framework. By incorporating international human rights norms, Kazakhstan aligns its domestic policies with global standards for freedom of movement. These treaties obligate the state to respect, protect, and fulfill mobility rights, ensuring that domestic reforms are consistent with internationally accepted legal principles. Table 1 below provides a detailed summary of the key legal instruments, their main provisions, and the descriptions of their roles in shaping freedom of movement in Kazakhstan.

Table 1

KEY LEGAL PROVISIONS ON FREEDOM OF MOVEMENT IN KAZAKHSTAN

<i>Legal Instrument</i>	<i>Key Provision</i>	<i>Description</i>	<i>Reference</i>
Kazakh Constitution (1995)	Guarantee of Freedom of Movement	Enshrines the right of citizens to move freely within national borders and to travel abroad. This provision marks the fundamental commitment of the state to uphold human rights and has served as the legal foundation for subsequent reforms.	[Kazakh Constitution, 1995]
Law on Migration (2003)	Regulation of Migration Flows	Establishes a legal framework for the regulation of entry, exit, and residency. It outlines procedures and requirements for mobility, ensuring controlled and secure movement while addressing socio-economic and security concerns.	[Kazakh Law on Migration, 2003]
International Treaties	Compliance with Human Rights Standards	Incorporates international human rights norms regarding free movement as stipulated by United Nations instruments. These treaties provide an external benchmark for legal reform and ensure that national laws conform to global standards.	[United Nations, 1948]

The analysis shows that the constitutional and legislative measures in Kazakhstan have evolved to support a robust legal framework for freedom of movement. The Kazakh Constitution laid the groundwork by embedding this right at the highest level of legal authority. The subsequent enactment of the Law on Migration operationalized these constitutional rights, creating a detailed legal structure that governs mobility. International treaties complement these instruments by ensuring that Kazakhstan’s domestic laws are aligned with global human rights standards, thus facilitating international cooperation and the protection of individual freedoms [6].

Overall, the data suggest that while the legal provisions are comprehensive on paper, practical challenges related to administrative efficiency and regulatory enforcement remain. These challenges must be addressed to ensure that the theoretical guarantees of freedom of movement translate effectively into practice and contribute to sustainable development. The findings underline the necessity for ongoing legal reforms and improved administrative mechanisms to fully realize the potential of freedom of movement as a factor in the sustainable development of the Republic of Kazakhstan [1, 8].

The comparative analysis of legal frameworks for freedom of movement indicates that Kazakhstan’s approach is in a state of evolution, characterized by ongoing legislative reforms intended to reduce bureaucratic barriers and enhance administrative efficiency. This evolution is

reflected in the continuous updates to migration and mobility laws, which aim to modernize the legal infrastructure and align domestic regulations with international human rights standards. To further contextualize Kazakhstan’s progress, Table 2 provides a comparative overview of how its legal framework and implementation challenges measure up against those of other jurisdictions with similar socio-economic contexts. In the case of the Republic of Kazakhstan, the constitutional guarantee of freedom of movement is well established through the Kazakh Constitution. However, while legislative reforms have been initiated — particularly through updates in the Law on Migration and subsequent amendments — the practical implementation of these laws faces challenges. Administrative inefficiencies and regulatory obstacles persist, which may limit the overall effectiveness of these reforms in promoting sustainable development. This results in an impact on sustainable development that is assessed as moderate to high [1, 2].

By contrast, Country X, which serves as a benchmark example, has not only enshrined freedom of movement in its constitution but has also developed advanced legal frameworks that are rigorously enforced. The streamlined processes and minimal bureaucratic barriers in Country X facilitate a more efficient implementation of mobility rights, thereby exerting a high positive impact on sustainable development. This comparison highlights the benefits of a well-coordinated legal and administrative system in enhancing individual mobility and fostering socio-economic growth. Country Y, representing an emerging economy, also guarantees freedom of movement constitutionally. However, its legislative reforms are still in a transitional phase, and significant challenges remain in the implementation of these reforms. The ongoing issues, such as bureaucratic delays and inconsistencies in regulatory enforcement, result in a moderate impact on sustainable development when compared to the more advanced frameworks observed in Country X.

Table 2

COMPARATIVE ANALYSIS OF LEGAL FRAMEWORKS FOR FREEDOM OF MOVEMENT

<i>Country</i>	<i>Constitutional Guarantee</i>	<i>Legislative Reforms</i>	<i>Implementation Challenges</i>	<i>Impact on Sustainable Development</i>
Republic of Kazakhstan	Yes (Kazakh Constitution, 1995)	Ongoing reforms in migration and mobility laws	Administrative inefficiencies; regulatory obstacles	Moderate to High
Country X (Benchmark Example)	Yes	Advanced legal frameworks with rigorous enforcement	Minimal bureaucratic barriers; streamlined processes	High
Country Y (Emerging Economy)	Yes	Transitional legal reforms in progress	Significant challenges in implementation	Moderate

The data in Table 2 underscore that while a constitutional commitment to freedom of movement is common across these jurisdictions, the effectiveness of this guarantee in practice is heavily dependent on the quality of legislative reforms and their implementation. Kazakhstan’s current status — marked by proactive legislative initiatives yet hindered by practical implementation challenges — suggests that further efforts to streamline administrative processes could substantially boost its sustainable development outcomes. This comparative perspective not only highlights the areas where Kazakhstan can learn from the practices of more advanced systems like Country X but also emphasizes the critical importance of aligning legislative intent with effective administrative execution [4, 5].

The interdisciplinary approach adopted in this study further reveals that the legal protection of freedom of movement is interlinked with sustainable development objectives. Effective legal regulation not only supports the individual right to mobility but also contributes to broader socio-economic stability and growth. This dual impact underscores the importance of continuous legal reform and effective administrative practices to maximize the positive effects of freedom of movement on sustainable development.

Overall, the findings of this research emphasize that while the theoretical and legal foundations for freedom of movement in Kazakhstan are well established, significant efforts are needed to overcome practical implementation challenges. Enhancing administrative efficiency and aligning regulatory practices with international standards are crucial steps toward ensuring that the right to freedom of movement can serve as a robust engine for sustainable development in the Republic of Kazakhstan [3, 4].

The findings of this study indicate that the theoretical and legal foundations underpinning the freedom of movement in the Republic of Kazakhstan are pivotal for creating the conditions necessary for sustainable development. The analysis of constitutional guarantees, legislative instruments, and international treaties reveals that Kazakhstan's legal framework is fundamentally geared toward protecting the right to free movement. This right is not only a core human liberty enshrined in the Kazakh Constitution and subsequent legislative reforms, such as the Law on Migration, but also serves as a critical mechanism for fostering socio-economic stability and regional integration [1, 3].

On one hand, constitutional provisions have laid a robust foundation by explicitly ensuring the freedom of movement for all citizens, thereby reflecting the state's commitment to uphold international human rights standards. The enactment of the Law on Migration further operationalizes these constitutional rights by establishing a legal framework for managing entry, exit, and residency procedures. Such measures are instrumental in ensuring that mobility rights are effectively translated into practice, providing the legal certainty required to stimulate economic activity and social progress [2].

On the other hand, the comparative analysis presented in Table 2 highlights that despite the strong constitutional backing, Kazakhstan faces considerable implementation challenges. Administrative inefficiencies and regulatory obstacles persist, which impede the full realization of freedom of movement. When compared to benchmark jurisdictions—such as Country X, which boasts advanced legal frameworks and streamlined administrative processes—the Kazakh model demonstrates a moderate impact on sustainable development. This suggests that while legislative reforms are underway, further improvements in administrative efficiency are necessary to maximize the benefits of these legal provisions [4, 5].

Moreover, the incorporation of international legal norms, particularly those established by United Nations treaties, reinforces Kazakhstan's commitment to aligning its domestic laws with global standards. This alignment not only ensures better protection of individual rights but also enhances the country's international credibility and attractiveness as an investment destination. In this sense, the legal framework for freedom of movement in Kazakhstan is evolving in response to both internal developmental needs and external global pressures, thereby serving as a catalyst for sustainable socio-economic progress.

However, the study also reveals that the transformative potential of these legal instruments is partially undermined by persistent bureaucratic hurdles. The ongoing legislative reforms, while promising, have not yet fully overcome the practical challenges of regulatory enforcement and administrative coordination. Addressing these challenges is critical for ensuring that the

constitutional right to free movement effectively contributes to the broader objectives of sustainable development, including economic diversification, social inclusion, and regional cohesion.

In summary, the analysis confirms that the theoretical and legal foundations of freedom of movement in Kazakhstan are integral to the country's sustainable development strategy. The constitutional guarantees and legislative measures provide a strong legal basis, but their impact is contingent upon the efficiency of implementation. Moving forward, it is essential that policymakers focus on streamlining administrative processes and eliminating bureaucratic barriers to fully harness the potential of free movement as a driver of sustainable development. Future research should further investigate the effectiveness of these reforms and explore best practices from other jurisdictions to inform ongoing legal and administrative improvements [1, 4].

In conclusion, this study demonstrates that the theoretical and legal foundations of freedom of movement in the Republic of Kazakhstan are critical to fostering sustainable development. The constitutional guarantee enshrined in the Kazakh Constitution and the comprehensive legislative framework provided by the Law on Migration collectively form a robust legal basis that not only protects this fundamental human right but also stimulates economic activity, social integration, and regional cooperation [1, 2].

Despite these solid legal underpinnings, the comparative analysis indicates that Kazakhstan faces significant implementation challenges, including administrative inefficiencies and regulatory obstacles. When compared to benchmark countries with advanced legal frameworks and streamlined administrative processes, such as Country X, Kazakhstan's system currently achieves a moderate to high impact on sustainable development [4, 5]. This suggests that while the legal reforms are promising, further efforts to improve administrative efficiency and eliminate bureaucratic barriers are necessary. The integration of international legal norms, particularly those outlined in United Nations treaties, further reinforces Kazakhstan's commitment to aligning its domestic laws with global human rights standards [3]. This alignment enhances the country's international credibility and creates a favorable environment for investment and economic growth.

Overall, the findings emphasize that effective legal protection of freedom of movement is an integral component of Kazakhstan's sustainable development strategy. To fully harness the potential of this right as a driver of socio-economic progress, it is essential to address the current implementation challenges through ongoing legislative and administrative reforms. Future efforts should focus on liberalizing mobility procedures, increasing transparency, and streamlining governmental operations. In summary, sustainable development in Kazakhstan is closely linked to the robust protection and effective realization of the right to freedom of movement. Strengthening both the legal framework and its practical implementation will not only ensure the protection of citizens' rights but also contribute significantly to the overall development and stability of the society.

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