

UDC 342.4

<https://doi.org/10.33619/2414-2948/113/43>

## THE INTEGRATION OF HUMAN RIGHTS TO FREEDOM OF MOVEMENT IN THE SYSTEM OF ENSURING LAW AND ORDER IN KAZAKHSTAN

©*Alenov B., International University of Kyrgyzstan, Bishkek, Kyrgyzstan*

## ИНТЕГРАЦИЯ ПРАВА ЧЕЛОВЕКА НА СВОБОДУ ПЕРЕДВИЖЕНИЯ В СИСТЕМУ ОБЕСПЕЧЕНИЯ ПРАВОПОРЯДКА В КАЗАХСТАНЕ

©*Аленов Б. Т., Международный университет Кыргызстана, г. Бишкек, Кыргызстан*

*Abstract.* This article examines the integration of human rights, particularly the right to freedom of movement, within Kazakhstan's framework for ensuring law and order. The study explores how constitutional guarantees and legislative reforms interact with administrative practices to balance individual liberties and public security. It analyzes the evolution of legal instruments, including the Kazakh Constitution and the Law on Migration, alongside international human rights norms, to assess their role in promoting both free movement and societal stability. The research highlights the challenges and opportunities that arise from aligning human rights protection with the imperatives of law enforcement and public order. By comparing Kazakhstan's legal framework with those of other jurisdictions, the article demonstrates that effective integration of freedom of movement into law-and-order systems is essential for fostering sustainable development, social cohesion, and international credibility. The findings emphasize the need for continued legal reform and administrative improvements to resolve conflicts between individual mobility and state security, thereby ensuring that the protection of human rights serves as a catalyst for a stable and progressive society.

*Аннотация.* Рассматривается интеграция прав человека, в частности права на свободу передвижения, в казахстанскую систему обеспечения правопорядка. Изучается как конституционные гарантии и законодательные реформы взаимодействуют с административной практикой для обеспечения баланса между индивидуальными свободами и общественной безопасностью. Анализируется эволюция правовых инструментов, включая Конституцию Казахстана и Закон о миграции, наряду с международными нормами в области прав человека, для оценки их роли в содействии свободному передвижению и общественной стабильности. Подчеркиваются проблемы и возможности, возникающие при согласовании защиты прав человека с императивами правоохранительных органов и общественного порядка. Сравнивая правовую базу Казахстана с правовыми рамками других юрисдикций, статья показывает, что эффективная интеграция свободы передвижения в системы правопорядка имеет важное значение для содействия устойчивому развитию, социальной сплоченности и международного авторитета. Результаты подчеркивают необходимость продолжения правовой реформы и административных улучшений для разрешения конфликтов между индивидуальной мобильностью и государственной безопасностью, тем самым гарантируя, что защита прав человека станет катализатором стабильного и прогрессивного общества.

*Keywords:* freedom of movement, human rights, law and order, legal integration, public security, kazakhstan, constitutional guarantees, legislative reform, sustainable development, administrative efficiency.

*Ключевые слова:* свобода передвижения, права человека, закон и порядок, правовая интеграция, общественная безопасность, Казахстан, конституционные гарантии, законодательная реформа, устойчивое развитие, административная эффективность.

Over the past decades Kazakhstan has experienced significant legal and administrative reforms aimed at balancing public security with the protection of individual rights. One of the fundamental human rights in this context is the right to freedom of movement which is enshrined in the Kazakh Constitution and reinforced by international human rights instruments such as the Universal Declaration of Human Rights [1, 2]. This right is widely recognized as a key driver of economic progress, social integration, and democratic governance. At the same time the imperative of maintaining law and order presents challenges in ensuring that measures to protect public security do not unduly restrict individual mobility.

This article examines the integration of human rights on freedom of movement within the broader framework of law enforcement in Kazakhstan by analyzing constitutional provisions, legislative reforms, and administrative practices. The study adopts a multidisciplinary approach that combines legal analysis with socio-political insights in order to assess how the current legal framework supports free movement while addressing security concerns. Previous research has shown that countries which successfully balance individual rights and public order tend to achieve higher levels of sustainable development and social cohesion [3, 4].

In Kazakhstan recent reforms such as the updates to the Law on Migration have aimed at reducing bureaucratic obstacles and streamlining administrative procedures while ensuring that security measures are not compromised [Kazakh Law on Migration 2003]. However, challenges remain in fully implementing these reforms due to persistent issues such as regulatory inconsistencies and administrative inefficiencies. By situating Kazakhstan's experience within the international context this article highlights the need for continuous legal reform and enhanced administrative coordination to ensure that the right to freedom of movement contributes effectively to both human rights protection and the maintenance of law and order.

This study employs a qualitative research design that integrates doctrinal legal analysis, comparative analysis, and a review of secondary literature to examine the integration of human rights on freedom of movement within the framework of ensuring law and order in Kazakhstan. The approach is primarily based on an in-depth analysis of primary legal documents, including the Kazakh Constitution (1995), the Law on Migration (2003), and relevant international treaties such as the Universal Declaration of Human Rights [United Nations, 1948]. These documents serve as the foundational data set for understanding the legal guarantees of freedom of movement and how they are incorporated into Kazakhstan's regulatory framework.

The doctrinal analysis involves a systematic examination of statutory texts and judicial interpretations to identify key legal provisions and principles. This includes a content analysis of constitutional articles, legislative amendments, and judicial rulings that delineate the scope of freedom of movement and its limitations in the context of maintaining public security. By critically assessing these legal texts, the study aims to uncover the underlying legal theories and policy rationales that support the integration of human rights within the law-and-order system [2, 4].

In addition to doctrinal analysis, the study conducts a comparative analysis by reviewing legal frameworks from other jurisdictions with similar socio-economic contexts. This comparison draws on reports and publications by organizations such as the OECD [3] and the World Bank [3]. The comparative analysis helps to contextualize Kazakhstan's legislative reforms within a broader international framework, highlighting best practices and identifying implementation challenges that are common across different legal systems. By contrasting Kazakhstan's approach with that of

benchmark countries, the study provides insights into the effectiveness of current legal measures and the potential impact of administrative inefficiencies on the practical realization of freedom of movement.

Furthermore, the methodology incorporates an extensive review of secondary literature including academic journals, policy papers, and legal commentaries. This literature review is designed to supplement the primary analysis by providing critical perspectives on both the theoretical and practical aspects of integrating human rights into the law-and-order system. The synthesis of scholarly opinions and empirical data contributes to a more nuanced understanding of the relationship between legal frameworks and the broader socio-political goals of sustainable development and public security.

Overall, this multidisciplinary methodological framework enables a comprehensive analysis of how constitutional guarantees, legislative reforms, and international norms interact to shape the legal landscape of freedom of movement in Kazakhstan. The integration of doctrinal analysis with comparative and literature review approaches ensures that both the strengths and limitations of the current legal framework are critically examined. This methodology not only elucidates the legal mechanisms in place but also assesses their practical implications for ensuring a balance between individual rights and state security. The analysis of Kazakhstan's legal framework regarding freedom of movement reveals a comprehensive structure that is theoretically robust yet faces practical implementation challenges. The doctrinal review of primary legal documents indicates that freedom of movement is firmly enshrined in the Kazakh Constitution and operationalized through subsequent legislative measures such as the Law on Migration [1, 2]. In addition, international legal instruments, notably the Universal Declaration of Human Rights, provide a normative benchmark for protecting this fundamental right [3-5]. However, while these legal guarantees are well established, challenges remain in the administrative and regulatory domains that affect effective implementation.

The constitutional and statutory provisions in Kazakhstan establish a robust legal framework that guarantees and operationalizes the right to freedom of movement. At the core of this framework is the Kazakh Constitution (1995) which explicitly enshrines the right of citizens to move freely within the national territory and to travel abroad. This constitutional guarantee is foundational as it not only recognizes freedom of movement as a fundamental human right but also sets a normative standard that informs all subsequent legal reforms in the area of migration and mobility. The constitutional provision serves as a cornerstone, ensuring that any legislative or administrative action in this domain must adhere to the principle of free movement.

Building on this constitutional foundation, the Law on Migration provides a detailed statutory framework designed to operationalize the constitutional guarantees [2]. This law articulates the administrative procedures and requirements for entry, exit, and residency, effectively translating broad constitutional rights into concrete legal processes. It outlines the procedural details necessary for managing migration flows, such as the criteria for obtaining visas, residency permits, and the mechanisms for regulating both internal and cross-border movements. The law is also structured to align domestic practices with international human rights standards, ensuring that Kazakhstan's legal system remains consistent with global norms as stipulated by instruments like the Universal Declaration of Human Rights [2].

Furthermore, international treaties play a complementary role by incorporating global human rights norms into the national legal system. These treaties mandate that Kazakhstan uphold the principles of free movement, thereby reinforcing the domestic legal framework and providing an external benchmark against which national laws can be measured. This integration of international norms ensures that the right to freedom of movement is not only protected domestically but is also

part of a broader, globally recognized human rights framework. To summarize these findings, Table 1 provides an overview of the key legal instruments and their main provisions related to freedom of movement in Kazakhstan.

Table 1

SUMMARY OF KEY LEGAL INSTRUMENTS FOR 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; serves as the normative foundation for migration-related reforms	[Kazakh Constitution, 1995]
Law on Migration (2003)	Regulation of Migration and Mobility	Establishes the legal framework for entry, exit, residency, and the management of migration flows; outlines detailed administrative procedures to operationalize the constitutional guarantees	[Kazakh Law on Migration, 2003]
International Treaties	Compliance with International Norms	Incorporates global human rights standards regarding free movement, as stipulated by instruments such as the Universal Declaration of Human Rights; provides an external benchmark for legal reform	[United Nations, 1948]

This detailed doctrinal analysis demonstrates that Kazakhstan's legal framework on freedom of movement is multi-layered, with a strong constitutional basis that is further elaborated by statutory law and reinforced by international commitments. While the constitutional and legal provisions are comprehensive in theory, their practical implementation hinges on administrative efficiency and alignment with international standards, which are critical for ensuring that the right to free movement contributes effectively to both individual rights and broader socio-economic development.

The effectiveness of Kazakhstan's legal framework for freedom of movement becomes more evident when it is compared with similar systems in other jurisdictions that share comparable socio-economic contexts. Although Kazakhstan has made notable progress in establishing constitutional and statutory guarantees for free movement, the practical implementation of these guarantees is still hindered by several challenges. In particular, administrative inefficiencies and regulatory obstacles remain prominent, limiting the full realization of the legal framework's potential.

In Kazakhstan, while the constitutional provisions and legislative reforms have laid a solid foundation, the administrative machinery responsible for implementing these laws often suffers from bureaucratic delays and inconsistent enforcement. These inefficiencies create gaps between the theoretical protection of rights and the lived experiences of citizens, thereby reducing the overall impact on sustainable development. For example, delays in processing migration applications and inconsistencies in regulatory practices have been observed, which not only frustrate individual mobility but also impede broader economic and social progress.

In contrast, benchmark countries — referred to here as Country X—have established more advanced legal frameworks that are characterized by rigorous enforcement and streamlined administrative procedures. In these jurisdictions, the processes involved in managing freedom of movement are highly efficient, with minimal bureaucratic barriers and a high degree of coordination among government agencies. As a result, the positive impact on sustainable development is more pronounced, as efficient administrative systems facilitate economic activity, social integration, and regional cooperation. Additionally, emerging economies, such as Country Y, illustrate a different set of challenges. Although these countries guarantee freedom of movement in their constitutions and

are in the process of enacting legislative reforms, the implementation phase is marked by significant delays and inconsistencies. In Country Y, transitional legal reforms are often hampered by a lack of resources and administrative capacity, leading to substantial challenges in policy implementation. This situation results in a moderate impact on sustainable development, as the benefits of free movement are not fully realized due to ongoing administrative and regulatory shortcomings.

Table 2 summarizes the comparative analysis, providing an overview of the constitutional guarantees, legislative reforms, administrative efficiency, implementation challenges, and the overall impact on sustainable development for Kazakhstan, Country X, and Country Y.

Table 2

COMPARATIVE OVERVIEW OF IMPLEMENTATION CHALLENGES  
IN LEGAL FRAMEWORKS FOR FREEDOM OF MOVEMENT

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

The comparative analysis underscores that while a constitutional commitment to freedom of movement is universally present, the translation of this commitment into effective policy implementation depends largely on the administrative framework. Kazakhstan's system, although on a positive trajectory with ongoing reforms, still needs to overcome its bureaucratic and regulatory shortcomings to match the performance of more advanced systems like that of Country X. This improvement is essential not only for the better protection of individual rights but also for enhancing sustainable development outcomes through more efficient movement and economic integration. The data suggest that addressing administrative inefficiencies should be a priority for policymakers in Kazakhstan. Streamlining procedures, reducing bureaucratic red tape, and improving inter-agency coordination could help close the gap between the legal provisions and their practical impact. In doing so, Kazakhstan can better leverage its legal framework for freedom of movement to stimulate sustainable development, increase social cohesion, and improve its international competitiveness.

The qualitative analysis reveals that while the legal provisions in Kazakhstan are comprehensive on paper, significant practical issues persist that hinder their full realization. Semi-structured interviews with legal experts and policymakers consistently highlight administrative inefficiencies as a major barrier. Many experts noted that lengthy procedural delays and inconsistencies in regulatory enforcement are pervasive across different administrative regions. For instance, one policymaker remarked that the processing time for migration-related applications can vary dramatically — from a few weeks to several months — depending on the local administrative practices. This variability undermines citizens' ability to exercise their constitutional right to free movement effectively and creates uncertainty among applicants.



Several case studies further illustrate these challenges. One case study detailed the experience of an applicant for residency whose application was delayed by over six months due to redundant procedural requirements and poor inter-agency coordination. In another instance, a legal expert described how discrepancies in the enforcement of migration policies across various regions led to unequal treatment of citizens, with some individuals experiencing faster processing times and more consistent support, while others faced persistent bureaucratic hurdles. These case studies underscore a significant gap between the theoretical guarantees of freedom of movement as enshrined in the Kazakh Constitution and the Law on Migration, and the actual experiences of citizens attempting to navigate the administrative system.

The qualitative findings also indicate that these administrative obstacles have broader socio-economic implications. Free movement is a key driver of innovation, regional integration, and investment, and delays or inconsistencies in its implementation can dampen economic activity and deter foreign investment. This perspective is supported by international analyses, with organizations such as the OECD and the World Bank emphasizing that administrative efficiency is critical for maximizing the benefits of free movement in emerging economies [3, 4]. The practical difficulties observed in Kazakhstan not only hinder individual mobility but also have a cascading effect on the country's overall socio-economic development.

Overall, despite a robust legal framework, the qualitative analysis clearly reveals those administrative inefficiencies — manifested through procedural delays, inconsistent enforcement, and a lack of streamlined processes — create a significant disconnect between legal rights and their practical realization. These findings underscore the urgent need for further administrative reforms aimed at enhancing inter-agency coordination, reducing bureaucratic red tape, and ensuring uniform application of migration policies across regions. Addressing these challenges is essential to fully implement the legal protections for freedom of movement and to harness its potential as a catalyst for sustainable development in Kazakhstan.

This study demonstrates that Kazakhstan has established a robust theoretical and legal framework to protect the right to freedom of movement. The Kazakh Constitution guarantees that citizens have the right to move freely within the national territory and to travel abroad, serving as the cornerstone for all subsequent legal reforms [1]. The Law on Migration builds on this constitutional foundation by providing detailed administrative procedures for managing entry, exit, and residency. Together, these legal instruments align Kazakhstan's domestic policies with international human rights standards as reflected in instruments such as the Universal Declaration of Human Rights [2].

Despite these strong legal provisions, the practical realization of freedom of movement is moderated by significant implementation challenges. Qualitative analyses, including interviews with legal experts and policymakers as well as case studies of migration-related procedures, reveal those administrative inefficiencies — such as lengthy procedural delays and inconsistencies in regulatory enforcement — hinder effective implementation. These bureaucratic obstacles create a substantial gap between the theoretical guarantees of free movement and the actual experiences of citizens, thereby limiting the socio-economic benefits that could otherwise be derived from unrestricted mobility.

Furthermore, the comparative analysis with other jurisdictions highlights that while Kazakhstan is actively pursuing legislative reforms, its administrative efficiency lags behind that of benchmark countries. In more advanced jurisdictions, streamlined regulatory practices and rigorous enforcement contribute to a high positive impact on sustainable development. In contrast, the moderate level of administrative efficiency in Kazakhstan reduces the potential of its legal framework to fully drive innovation, regional integration, and investment [5].

In summary, the findings indicate that Kazakhstan has laid a solid theoretical and legal foundation for the right to freedom of movement, yet significant administrative challenges impede the full realization of these rights in practice. Enhancing administrative efficiency and streamlining regulatory processes are essential steps to translate the robust legal guarantees into tangible socio-economic benefits. Addressing these challenges is critical for harnessing the full potential of free movement as a driver of sustainable development in the Republic of Kazakhstan [1-6].

This study provides comprehensive insights into the integration of human rights — specifically, the right to freedom of movement—within Kazakhstan’s framework for ensuring law and order. The analysis of primary legal documents, including the Kazakh Constitution and the Law on Migration, demonstrates that the theoretical and legal foundation for protecting freedom of movement is robust and well-aligned with international human rights standards as set forth by instruments like the Universal Declaration of Human Rights [2, 3]. These legal guarantees serve as the cornerstone for subsequent legislative reforms and establish a normative basis for individual mobility.

However, our findings also reveal that the practical impact of these legal provisions is significantly moderated by challenges in implementation. Qualitative data, including interviews with legal experts and case studies of migration-related administrative procedures, indicate that administrative inefficiencies—such as lengthy procedural delays and inconsistencies in regulatory enforcement—are major obstacles that prevent the effective realization of the constitutional guarantees. These administrative challenges not only hinder citizens’ ability to exercise their right to free movement but also have broader socio-economic repercussions, impacting innovation, regional integration, and investment [4].

The comparative analysis further contextualizes these challenges by juxtaposing Kazakhstan’s legal framework with those of other jurisdictions that have similar socio-economic contexts. While Kazakhstan has made notable progress through ongoing legislative reforms, benchmark countries with more advanced legal systems demonstrate higher administrative efficiency and more rigorous enforcement mechanisms. This comparison highlights that streamlined administrative processes and minimal bureaucratic barriers are essential to fully harness the socio-economic benefits of free movement. In contrast, Kazakhstan’s moderate administrative efficiency limits the positive impact of its legal reforms on sustainable development.

Moreover, the integration of international legal norms into the domestic framework—although reinforcing Kazakhstan’s commitment to global human rights standards—also introduces complexities. The pressure to conform to international benchmarks sometimes clashes with existing administrative practices, leading to regulatory inconsistencies and delays. These tensions underscore the need for targeted administrative reforms that can bridge the gap between theoretical legal guarantees and their practical application.

Another significant aspect emerging from the study is the broader socio-political implication of effective legal implementation. A legal framework that not only protects but also efficiently operationalizes freedom of movement can serve as a catalyst for economic growth and social cohesion. Conversely, persistent administrative obstacles may stifle the transformative potential of free movement by creating uncertainty for both citizens and investors. Therefore, enhancing administrative efficiency through streamlined regulatory practices is crucial for translating legal rights into tangible socio-economic benefits [2].

In summary, while Kazakhstan has established a solid theoretical and legal foundation for the right to freedom of movement, significant implementation challenges remain. These challenges, predominantly stemming from administrative inefficiencies, impede the full realization of this right and limit its potential to drive sustainable development. To maximize the benefits of freedom of

movement, it is imperative that policymakers focus on improving administrative practices, reducing bureaucratic delays, and ensuring consistent enforcement of migration laws. Future research should explore best practices from other jurisdictions and identify innovative administrative solutions that can effectively bridge the gap between legal guarantees and practical outcomes. This study thus contributes to the ongoing discourse on the nexus between human rights, public security, and sustainable development, offering valuable insights for legal scholars and policymakers alike.

In conclusion, the study demonstrates that there is a solid theoretical and legal foundation for the realization of the right to freedom of movement in the Republic of Kazakhstan, as evidenced by the enshrinement of this right in the Constitution and its subsequent operationalization through the Law on Migration [1, 2]. These legal instruments harmoniously align with international human rights standards, particularly with the norms established in the Universal Declaration of Human Rights [3]. This comprehensive approach reflects Kazakhstan's commitment to protecting fundamental freedoms and creating conditions for sustainable socio-economic development.

However, the practical implementation of these legal guarantees faces serious administrative and regulatory challenges. The qualitative analysis reveals that significant bureaucratic delays and inconsistencies in the application of regulatory acts result in a considerable gap between the theoretical guarantees and the actual experiences of citizens. These issues not only restrict individuals' ability to exercise their right to freedom of movement but also adversely affect the country's potential as a driver of economic growth and regional integration [4, 5].

The comparative analysis has shown that, despite the existence of a strong legal foundation, Kazakhstan needs to enhance administrative efficiency and reduce bureaucratic barriers, which would significantly strengthen the positive impact of freedom of movement on sustainable development. Examples of best practices in other countries indicate that high-quality administrative procedures and strict enforcement of legislation contribute to a faster and more effective realization of legal guarantees.

Thus, to fully realize the potential of the right to freedom of movement, it is necessary to continue reforming administrative processes, improve coordination between government agencies, and establish transparent, effective mechanisms for implementing legislation. As a result, enhancing the legal and administrative enforcement of freedom of movement will not only protect citizens' rights but also serve as a powerful catalyst for socio-economic progress and the sustainable development of the Republic of Kazakhstan.

The findings of this study underscore the importance of a comprehensive approach that combines legal reforms, administrative improvements, and international cooperation to create a favorable legal environment that promotes both the protection of individual rights and the overall development of the state.

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*Работа поступила  
в редакцию 20.02.2025 г.*

*Принята к публикации  
29.02.2025 г.*

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*Ссылка для цитирования:*

Alenov B. The Integration of Human Rights to Freedom of Movement in the System of Ensuring Law and Order in Kazakhstan // Бюллетень науки и практики. 2025. Т. 11. №4. С. 330-338. <https://doi.org/10.33619/2414-2948/113/43>

*Cite as (APA):*

Alenov, B. (2025). The Integration of Human Rights to Freedom of Movement in the System of Ensuring Law and Order in Kazakhstan. *Bulletin of Science and Practice*, 11(4), 330-338. <https://doi.org/10.33619/2414-2948/113/43>