

**Doctor of Philosophy (PhD) educational program  
“8D04203-Jurisprudence”, recommended for obtaining the degree**

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**The dissertation work on the topic: “State and Legal Fundamentals of  
External Security of the Republic of Kazakhstan”**

**ABSTRACT**

**Relevance of the research topic.** Kazakhstan's desire for a rule-of-law state is constrained by various negative factors. In the modern period, threats and risks are becoming more complex, covering various aspects of society's life. Tensions continue to grow in the world due to the threat of escalation of conflicts between Powers. The penetration of destructive ideologies of all formats is increasing, which leads to radicalization and polarization of society, and a decrease in social capital. Regardless of political systems, the state is forced to act as a guarantor of social security. Under these conditions, the state should be more flexible, stable, transparent and responsive to citizens. The consolidation in the Constitution of the main value of human life, its rights and freedoms imposes a special responsibility on the State and State bodies in terms of ensuring national security.

Currently, the concept of "national security" should be understood through the prism of three categories: "individual, society, state". This follows from the constitutional norms, where the main value is proclaimed to be a person, his rights and freedoms.

Ensuring external security is one of the urgent problems of our time. External security can be evaluated in two ways. In a narrow sense, external security is characterized as the protection of the national interests of the Republic of Kazakhstan from external threats from other States.

In a broad sense, the external security of the state is understood as a system of measures. At the same time, we note the purpose of these events. Thus, these actions and phenomena are aimed at establishing and maintaining relations with the subjects of international law, protecting national security and interests, as well as expanding their influence on other subjects of international relations.

Unlike other types of national security, external security is focused on taking into account external factors, and everything related to this factor. This includes the state's foreign policy course, foreign policy doctrines, concepts, and bodies that perform foreign policy functions.

Ensuring external security requires a special approach to the legal regulation of this area. Despite the well-developed regulatory framework, there are still problems regarding the adoption of operational decisions by state bodies to ensure external security.

According to Article 15 of the Law "On National Security", 36 state bodies are authorized. A large number of such bodies weakens the responsibility, constrains the operational actions of state bodies responsible for decision-making.

This is especially true for ensuring external security. In this regard, it is necessary to determine by law the main subjects responsible for coordinating the activities of all state bodies and developing a common course.

**The purpose of the dissertation** is to identify and theoretically substantiate the features of the regulatory regulation of the external security of the Republic of Kazakhstan; to determine the main directions for improving the legislation and activities of state bodies on ensuring the external security of the Republic of Kazakhstan.

**Tasks:**

- assess the place of external security in the overall national security system;
- identify new risks and threats to external security;
- conduct a comparative analysis of foreign experience in ensuring external security;
- systematize state bodies involved in ensuring external security, and disclose their powers;
- analyze the legislative framework for ensuring Kazakhstan's external security, paying special attention to the constitutional norms;
- propose recommendations aimed at improving legislation in the field of ensuring external security.

**Scientific novelty.** The dissertation reveals the issues of ensuring external security in relation to the challenges and threats occurring in the modern period. It is noted that in connection with the process of globalization, the importance of ensuring external security is increasing. This is taken into account in detail when developing the foreign policy course of each state.

The dissertation examines new threats to national security. At the same time, the influence of the foreign element on the life of society and the state is particularly noted. In this regard, the external security of the State is an important component in the national security system.

The dissertation analyzes the constitutional norms, provisions of the current legislation on ensuring external security, and offers practical recommendations aimed at improving legislation and legal practice.

**The results of the dissertation are as follows:**

- new aspects of the theory of national security are identified, taking into account fundamental changes in the political and legal sphere; previously unknown challenges and threats in the field of ensuring external security are identified; a legal assessment of modern types of national security is given;
- classification of state bodies involved in ensuring national security is carried out, special attention is paid to the protection of national sovereignty, independence and territorial integrity of the country; factors that hinder the coordinated functioning and interaction of subjects involved in ensuring national security are identified;
- a reasoned conclusion about the consideration of ensuring national security, first of all, taking into account the impact of external factors, among which the dissertation draws attention to such as ensuring economic, food and water security;

- a study of the current legislation of the Republic of Kazakhstan on ensuring external security through the prism of new challenges and threats was conducted;

- the conclusion about the need to expand the types of national security in the legislation and introduce new independent types in this area into terminological circulation is substantiated;

- recommendations are proposed for improving the legislation regulating the totality of powers of state bodies in the field of ensuring external security.

### **The main provisions submitted for defense.**

1. Analysis of the current state of ensuring national security allows us to conclude that the security of the state from external threats should become a priority. This is primarily related to the definition of guarantees of territorial integrity, the stability of the constitutional system, and, consequently, the stable functioning of the political and legal regime.

2. External security as an element of national security is formed on the basis of the national idea, within which the basic national interests are formulated; the protection of these interests is carried out by the policy of ensuring external security. In this regard, national interests should not be permanent, but stable and permanent.

3. We believe that threats to national security can be understood as a combination of external and internal factors that hinder or may hinder the realization of vital interests of individuals, society and the State. At the same time, real threats to national security include a set of external and internal factors (processes and phenomena) that hinder the implementation of the national interests of the Republic of Kazakhstan. Potential threats to national security include negative factors that may hinder the implementation of the national interests of the Republic of Kazakhstan

4. The thesis concludes that threats to biological, technological, water, environmental and food security, as well as the threat of illegal migration, occupy a special place in the system of the main types of threats that are currently global in nature.

5. The dissertation pays special attention to water security, which is primarily related to the external factor. Let us emphasize that most of the watercourse in the country is formed on the territory of neighboring countries. Therefore, strong contractual relationships are needed. This will become the basis for an effective system for protecting and promoting national interests. We propose to introduce the following addition to article 6 of the Law "On National Security": "The main threats to national security are: lack of access to healthy food; depletion of land and water resources; large-scale expansion of food imports, displacement of domestic producers."

6. The Law "On National Security of the Republic of Kazakhstan" defines the list of threats to national security (Article 6) that do not correlate with the types of national security (Article 4). In this regard, we believe it is necessary to identify new independent types of national security based on scientific developments. These are food security, biological security, and water security.

**Theoretical and practical significance of the study.** The results of the dissertation are aimed at improving the current legislation concerning the national security of the Republic of Kazakhstan, can be used in law-making and law enforcement activities of state bodies.

Conclusions and suggestions can be used for further research, writing textbooks and teaching aids. Also, the thesis's provisions can be used in the course of conducting classes in the subjects "Theory of State and Law", "History of State and Law", "Comparative Law", "Constitutional Law", "Administrative Law", "Fundamentals of the theory of national security", "Human Rights".

**Testing of research results.**

The theoretical provisions and conclusions of the study were presented and discussed at meetings of the department, scientific seminars, as well as at scientific conferences. The results of the study are reflected in eight scientific publications. Of these, one article was published in the International Journal of Electronic Security and Digital Forensics, which is part of the Scopus database, and three articles were published in the Journal of Actual Problems of Jurisprudence Al FARABI KAZAKH NATIONAL UNIVERSITY, and four articles – in the collections of international conferences.

All scientific articles are made on the topic of the dissertation, reflect the research questions.

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3. Kasymzhanova A.A., Baikenzheev A.S., Ibraev N.S., Tursynkulova D.A., Nusipova L.B. The role of the state in preventing new challenges and threats in the modern period: a functional and legal analysis of problems related to ensuring national security // Bulletin of KazNU. Legal series. 2022. - No. 1. - S. 14-25.

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5. Kasymzhanova A.A. Social stability, a strong rule of law, a developed legal system as the basis for ensuring the safe development of Kazakhstani society and the search for optimal solutions // Constitution: the embodiment of the values of the rule of law. Collection of materials of the All-Russian scientific-practical conference with international participation. - Irkutsk, December 12, 2019. - P. 53-59.

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8. Kasymzhanova A.A. On the issue of improving the legal framework for ensuring the external security of the Republic of Kazakhstan // Proceedings of the international scientific-practical conference "Criminal offenses against human life: problems of theory and practice." - Almaty, Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan, 2021. - P. 206-211.