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## **LEGAL REGULATION OF INFORMATION SECURITY IN THE REPUBLIC OF KAZAKHSTAN**

Information security is recognized as a comprehensive task, which includes the protection of legally protected information, which forms a single system of national security, as well as a system of appropriate measures of an administrative, organizational, educational and legal nature. The problem of information security as an integral part of national security is constantly being complicated by the processes of penetration of data processing and computing systems in any sphere of society. The interests of the individual in the field of Information contribute to the strengthening of democracy, the creation of a social society, ensuring the interests of the individual in the field of information and the spiritual renewal of Kazakhstan. The interests of the state consist in the sovereignty and territorial integrity of Kazakhstan, political, economic and social stability, as well as the creation of opportunities for the systematic development of the National Information Infrastructure to preserve the integrity of the constitutional system of people and citizens.

However, given that the problems of information security are a global problem, the problems of the information Front, information weapons, information threats, information inequalities, information and psychological security, information and energy security, information and economic security have not been studied in the Republic of Kazakhstan. The current legislation of the Republic of Kazakhstan requires systematic legal regulation on the basis of ensuring information security, the formation of the information space, the fight against cybercrime, the protection of information resources and networks.

In the article, the authors study the issue of its entry into the International Information and electronic space, protecting the interests of information subjects, taking into account the importance of informatization in the context of the formation and development of qualitatively new socio-economic and political relations in the Republic of Kazakhstan.

**Key words:** information security, security, information and electronic space, national economy, protection of the right to access information, protection of the information system, informatization.

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### **Қазақстан Республикасындағы ақпараттық қауіпсіздікті құқықтық реттеу**

Ақпараттық қауіпсіздік ұлттық қауіпсіздіктің бір жүйесін құрайтын заңмен қорғалатын ақпаратты қорғауды, сондай-ақ, әкімшілік, ұйымдастырушылық, тәрбиелік және құқықтық сипаттағы тиісті шаралар жүйесін қамтитын кешенді міндет деп танылады. Ұлттық қауіпсіздіктің құрамдас бөлігі ретінде ақпараттық қауіпсіздік мәселесі қоғамның кез-келген саласында деректерді өңдеу мен есептеу жүйелерінің ену процестерімен үнемі күрделене түсуде. Жеке адамның ақпарат саласындағы мүддесі демократияны нығайтуға, әлеуметтік қоғамның құрылуына, жеке тұлғаның ақпарат саласындағы мүдделерін қамтамасыз етуге және Қазақстанның рухани жаңаруына ықпал етеді. Ал, мемлекеттің мүддесі Қазақстанның егемендігі мен аумақтық тұтастығынан, саяси-экономикалық және әлеуметтік тұрақтылығынан, сондай-ақ, адам мен азаматтың конституциялық құрылыстың бұзылмастығын сақтау үшін ұлттық ақпарат инфрақұрылымының жүйелі түрде дамуына мейілінше мүмкіндіктер жасаудан тұрады.

Десе де, ақпараттық қауіпсіздік проблемалары әлемдік проблема екенін ескерсек, Қазақстан Республикасында ақпараттық майдан, ақпараттық қару, ақпараттық қауіп-қатер, ақпараттық теңсіздіктер, ақпараттық-психологиялық қауіпсіздік, ақпараттық-энергетикалық қауіпсіздік, ақпараттық-экономикалық қауіпсіздік, мәселелері зерттеліп нәтиже таппаған. Қазақстан Республикасының қолданыстағы заңнамасы ақпараттық қауіпсіздікті қамтамасыз ету, ақпараттық кеңістігін қалыптастыру, киберқылмысқа қарсы күрес, ақпараттық ресурстар мен желілерді қорғау негізінде жүйелі құқықтық реттеуді қажет етеді.

Мақалада авторлар Қазақстан Республикасында сапалы жаңа әлеуметтік-экономикалық және саяси қатынастарды қалыптастыру және дамыту жағдайында ақпараттандырудың маңыздылығын ескере отырып, оның халықаралық ақпараттық-электрондық кеңістікке енуі, ақпарат субъектілерінің мүдделерін қорғау мәселесін зерделейді.

**Түйін сөздер:** ақпараттық қауіпсіздік, қауіпсіздік, ақпараттық және электрондық кеңістік, халық шаруашылығы, ақпаратқа қол жеткізу құқығын қорғау, ақпараттық жүйені қорғау, ақпараттандыру.

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### Правовое регулирование информационной безопасности в Республике Казахстан

Информационная безопасность признается комплексной задачей, включающей охрану охраняемой законом информации, составляющей единую систему национальной безопасности, а также систему соответствующих мер административного, организационного, воспитательного и правового характера. Проблема информационной безопасности как составной части национальной безопасности постоянно усложняется процессами проникновения систем обработки и расчета данных в любую сферу общества. Интересы личности в информационной сфере способствуют укреплению демократии, созданию социального общества, обеспечению интересов личности в информационной сфере и духовному обновлению Казахстана. Интересы государства заключаются в суверенитете и территориальной целостности Казахстана, политико-экономической и социальной стабильности, а также создании возможностей для системного развития национальной информационной инфраструктуры для сохранения неприкосновенности конституционного строя человека и гражданина.

Тем не менее, учитывая, что проблемы информационной безопасности являются мировой проблемой, в Республике Казахстан изучены вопросы информационного фронта, информационного оружия, информационных угроз, информационного неравенства, информационно-психологической безопасности, информационно-энергетической безопасности, информационно-экономической безопасности. Действующее законодательство Республики Казахстан требует системного правового регулирования на основе обеспечения информационной безопасности, формирования информационного пространства, борьбы с киберпреступностью, защиты информационных ресурсов и сетей.

В статье авторы изучают вопрос ее проникновения в международное информационно-электронное пространство, защиты интересов субъектов информации с учетом важности информатизации в условиях формирования и развития качественно новых социально-экономических и политических отношений в Республике Казахстан.

**Ключевые слова:** информационная безопасность, безопасность, информационное и электронное пространство, народное хозяйство, защита прав доступа к информации, защита информационных систем, информатизация.

### Introduction

The problem of information security is caused by the growing role of information in public life. Modern society is increasingly acquiring the features of an information society. Information security

is interdependent as a component of national security, and this interdependence enhances the development of technological progress.

Information security protection is an independent direction of state policy, which is effective for both the individual and society and is a rational way

to protect the rights and freedoms of every citizen, their legitimate interests. Information security is stimulated by a number of economic, social, and legal factors of the country's development. The main direction of the country's policy in the field of information security and information protection is to preserve the independence and unity of the Republic of Kazakhstan, form a democratic civil society, establish a rule of law, improve the material well-being of the population, increase the economic growth of our state, and maintain international interethnic peace (<https://rep.keu.kz/bitstream/123456789/293/1/%D0%9A%D0%B0%D0%BA%D0%B8%D0%BC%D0%B6%D0%B0%D0%BD%D0%BE%D0%B2%20%D0%9C.%D0%A2..pdf>).

Information security is the only source of security for the current and future development of society, the security of humanity. The information environment is one of the main factors that allows society to progress in the direction of growth. Information security is manifested in the nature of counteracting information threats and influencing public consciousness in order to protect the interests of social groups and individuals of any status in the living environment of society (Lim 2022: 32).

It must be admitted that the phenomenon of globalization is very large-scale. It affects from the individual to the global level, from the material to the psychological level. From this point of view, scientists consider globalization from two sides.

The First party, view globalization as a process of homogeneity of the world in relation to each other. Here there is a fusion of various national, religious, civilizational and other constituent elements within humanity, that is, to consider it a just process of integration.

The second party is considered to be a process that leads to conflict situations arising from the unification of the system. The tendency to bring unknown concepts to new science and the emergence of new situations that have no solution. On the basis of the above-mentioned parties, it is necessary to note such aspects of the globalization process as democratization, marketization, informatization, and the arrival of a cultural system. These are the acting forces that occur continuously and in stages.

The rapid development of computer networks, the emergence of new technologies for the search for information are increasing the interest of various people and institutions to the internet. The use of the global network for commercial purposes and in the processing of confidential information requires the creation of an effective information protection system. When connecting a local

and corporate network to the internet system, we need to ensure the information security of this network. The global internet system is designed as an open system. Therefore, the internet system provides many opportunities for information security breaches at different levels.

The Republic of Kazakhstan makes it possible to have a huge impact on the security of many areas of activity within the country by involving space communication systems in various areas of the economy. This will contribute to raising the prestige of our republic on the world stage (Osmanov 2019: 1).

## Methodology

In the process of writing the article, general scientific methods of cognition used in legal Science and related social sciences were used as a methodological basis for the study. In particular, both private and legal methods characteristic of the sphere of civil law were used, as well as historical, comparative analysis, normative-logical, synthesis, systematic-legal, analytical, etc. public-legal methods characteristic of Information Law. A number of existing regulations and legislation were also taken as a basis. In the process of writing the work, the following methods of scientific knowledge were used: analysis, synthesis, abstraction, generalization, similarity, etc.

## Discussions and results

Today, all states in the world bring information security issues to the fore in the system of ensuring national security. For this, the primary task of the state is to create a civil society as an information society in the Republic of Kazakhstan, since in the XXI century there is an increase in the role of Information, Information Resources and technologies in the development of citizens and the state. Legislation regulating information security is also being adopted in the Republic of Kazakhstan (Nesterova 2023). For example, the Decree of the Government of the Republic of Kazakhstan approved the Concept of digital transformation, development of the information and communication technologies and cybersecurity industry for 2023-2029 ([https://online.zakon.kz/Document/?doc\\_id=35064126](https://online.zakon.kz/Document/?doc_id=35064126)), which determines the optimal ways to solve pressing issues in the field of public services for the population and the business community. transformation of public administration and further development of economic sectors using the capabilities of digital technologies.

The implementation of all measures and processes in the field of digitalization and informatization should be carried out in strict accordance with the regulatory framework. As in most countries of the world, Kazakhstan has not yet formed a regulatory framework that adequately regulates the introduction and development of digital processes. The most important problem in the aspect of legal regulation of the digital environment in Kazakhstan is the lack of a legally defined system of principles and approaches in accordance with which regulatory requirements would be developed.

The concept of legal policy until 2030, approved by the Decree of the President of the Republic of Kazakhstan, defines the following tasks:

1. The need for legal regulation of artificial intelligence and robotics, first of all, in order to determine liability for harm caused by their actions, as well as to solve the problem of determining the ownership of intellectual property rights to works created with the participation of artificial intelligence. To study the issue of the possibility of granting robots legal status and, as a result, the possibility of bringing artificial intelligence to legal responsibility.

2. Review of the provisions of the legislation on personal data and their protection in order to bring it into line with a number of basic principles underlying this branch of legislation.

3. Settlement of issues of inadmissibility of discrimination in the use of big data technology and restrictions on the uncontrolled use of gadgets in order to track citizens ([https://online.zakon.kz/Document/?doc\\_id=37870586#activate\\_doc=2](https://online.zakon.kz/Document/?doc_id=37870586#activate_doc=2)).

Of course, the main act that will define the principles and approaches to regulation, as well as the fundamental legal institutions and structures for regulating the digital environment, should be the Digital Code of the Republic of Kazakhstan. However, without waiting for the adoption of the Digital Code, the development of NPA projects of various levels is carried out non-stop. Thus, 12 laws have been amended in the Law of the Republic of Kazakhstan «On Informatization» ([https://online.zakon.kz/Document/?doc\\_id=33885902](https://online.zakon.kz/Document/?doc_id=33885902)) over the past three years. At the same time, certain norms and regulations are being implemented without taking into account the fact that in Kazakhstan, as well as in the world at the level of scientific doctrine, many issues of legal regulation of the digital environment have not yet been resolved. So, for example, the Administrative Procedural Code (art. 43-2) contains a provision defining that «the owner of data created, accumulated and acquired at the expense of budgetary funds, as well as ob-

tained by other means established by the laws of the Republic of Kazakhstan, is the state», while the Civil Code of the Republic of Kazakhstan information (data) they are not classified as objects of ownership. Unfortunately, this is not the only such mistake.

According to the law «On informatization», the course of information support is defined as ensuring that the information system intended for use is used for its intended purpose. These include measures to correct, modify and maintain software gaps without modernization and compliance with its integrity without implementing additional service requirements. However, it is also true that there is a problem if the task of the information system needs to be slightly defined. For example, to automate the public service, it is necessary to regulate the task of the information system. However, according to the current law, this process is not possible. In this regard, it will be necessary to amend the law «on Informatization» to simplify the process of development of information systems when automating the activities of a state body and public services provided by them. This is a problem that is becoming apparent in practice. An important place in the system of these means of ensuring information security is occupied by the provisions of the Code of Administrative Offenses of the Republic of Kazakhstan, providing information security in a number of areas. For example, Chapter 23 of the Administrative Code of the Republic of Kazakhstan provides for liability for administrative offenses in the field of press and information security in the Republic of Kazakhstan ([https://online.zakon.kz/Document/?doc\\_id=31577100#activate\\_doc=2](https://online.zakon.kz/Document/?doc_id=31577100#activate_doc=2)).

National security or national security is the protection of the vital interests of the individual, society and the state in various spheres of existence from both internal and external threats, that is, ensuring the stable progressive development of the country. For the first time, the term «national security» was used in the law of the Republic of Kazakhstan «On national security» in 1995, and further additions to the content of this term were reflected in the Annual Messages of the president of the Republic of Kazakhstan to the people of Kazakhstan.

From the point of view of law, the following are recognized as the main form of national security:

- individual – his rights and obligations;
- society – its material and spiritual benefits;
- the state is its constitutional structure, sovereignty and territorial integrity.

Citizens, public organizations and associations that are subjects of security have the rights



and obligations to participate in ensuring security in accordance with the legislation of the Republic of Kazakhstan. The main object and subject of national security is man. Moreover, he is involved in all kinds of security measures. Therefore, ensuring the safety of an individual is considered a condition for ensuring the safety of all its types and levels. The state, the state of the individual is determined by the state, the state of society, the state.

Each person can only partially ensure his personal security by acting within the framework of the law and taking into account the interests of society and the state. The state is recognized as the main tool for ensuring the safety of society's life.

Over the years of independence, a huge amount of work has been done to create a national security system in Kazakhstan.

As proof of this, we can mention the Constitution of the Republic of Kazakhstan, the laws of the Republic of Kazakhstan «On national security», «on combating terrorism», «on combating corruption», the concept of Environmental Security, the National Security Strategy, the law “on Environmental Protection” and other regulatory legal acts that form a legal basis. The law of the Republic of Kazakhstan «On national security of the Republic of Kazakhstan» defines national security as a state of protection of the national interests of the Republic of Kazakhstan from real and potential threats, ensuring the dynamic development of a person and citizen, society and the state ().

The electronic state is a new way of organizing state power, transforming all three branches of government. The legislative branch is represented by electronic lawmaking and electronic Parliament, Electronic Government, Electronic Justice (Duisenkul 2023: 24).

While there is an active study of information security problems in many countries of the world, there is not a single serious study in Kazakhstan on the issues of information security of information warfare, information inequalities, information weapons, Information threat, information and economic security, information and psychological security, information and energy security. In addition, it is the development of Kazakhstan at the present stage that makes it possible to quite clearly highlight the information components of the problems of national security. Previously, when considering security issues, it was noted the main elements of national security: military, political, economic, environmental:

The interests of the individual in the field of information consist in: ensuring the interests of the individual in this area, strengthening democracy,

building a legal social society, achieving and maintaining public harmony, spiritual renewal of Kazakhstan.

In the scientific literature, «information security» is not defined unambiguously. Thus, T.A. Martirosyan writes that information security is a state of protection of an individual, society and the state in the information sphere from possible internal and external threats (Martirosyan 2005). On the basis of the national interests of the Republic of Kazakhstan in the field of information, Strategic and current tasks of the state's domestic and foreign policy to ensure information security are formed.

The information security policy provides information about the activities of state and public institutions: the implementation, use of innovative Information Systems, Information Protection tools, as well as the exchange of information when processing information, as well as during operations.

There is no doubt that the connection of countries to the World Wide Web causes certain resistance from the authorities, since there is a threat of an unprecedented invasion of information into the communication space of a sovereign state. The emergence of such concerns depends not only on national borders, but also on the entire system of values: «this is protection against diffidence, protection against fraudulent advertising, privacy violations and ensuring the right of people not to interfere in their privacy, protection of the moral development of children». At the same time, such values include the preservation of national culture, psychology, and native language.

Informatization opens up new opportunities for traditional media such as print, radio and television: it uses the Internet to accelerate the delivery of its content. In addition, at least some of the readers stop reading newspapers using information via the internet. Many television enthusiasts switch to the Internet, and sociologists note some influx of viewers. The most stable location seems to be radio, as the number of cars is growing, as well as the number of radio listeners. The interaction between the internet and traditional media requires serious analysis. We would like to remind you that after the appearance of radio, the newspapers began to talk about the near end, the appearance of television brought predictions about the upcoming newspapers and radio. But these assumptions were not justified: traditional media interact and develop, remaining in the conditions of information pluralism. First of all, the Internet does not hurt, it contributes to their transformation and evolution. The more choice, the more opportunities for information.

Commercial espionage, database theft, and information attacks aimed at undermining reputation will be especially in demand in the information economy. The laboratory believes that a real war is coming between hackers and the computer specialists of large corporations opposing them. Thus, we can talk about the formation of a new segment of the shadow economy – the «black» cyber market, which negatively affects the economic security of the entire state. In addition, this indicates the emergence of new types of institutional traps, which also threatens the economic security of the state (Myrzakhmetov, 2019: 119). Information protection is a set of measures aimed at ensuring information security. In practice, information protection refers to maintaining the integrity, availability and, if necessary, confidentiality of information and resources used to enter, store, process and transport data. Thus, information protection – a set of measures taken to prevent information leakage, theft, loss, unauthorized destruction, modification, conversion, unauthorized copying, blocking. It includes organizational, software and technical methods and means aimed at meeting the limitations imposed in ensuring safety (Kamalova

2020: 6). The most important area currently undergoing a significant transformation is the information sphere. In this regard, today one of the urgent problems of any state is the task related to ensuring information security ([http://www.rusnauka.com/15\\_KPSN\\_2015/Pravo/13\\_192143.doc.htm](http://www.rusnauka.com/15_KPSN_2015/Pravo/13_192143.doc.htm)).

## Conclusion

Thus, in order to improve information legislation, the share of constitutional norms that can guarantee the confidentiality of the formation of personal data of citizens, State Information Resources prevails. As analyzed in the study, the most relevant issue in the formation of an information society is an information society in a national style, built on the national interest. In this regard, we note the special role of information in the rapid development, political stabilization, security of the country. Therefore, an independent country faces the task of forming a unified national Information Society at a high level. To date, only the scope of application of unmanned aerial vehicles has been definitely regulated. The issues of the use of unmanned vehicles and unmanned surface vehicles have not been settled.

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