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ADOPTION PROCEEDINGS A CHILD IN THE CIVIL PROCEEDINGS OF UZBEKISTAN AND KAZAKHSTAN

The principal aim of this research is to assess the conformity of the legal and procedural frameworks concerning adoption of children in Kazakhstan and Uzbekistan with the international standards. Also it seeks to research the adoption processes, identify the challenges and recommend in order to improve protection of children's rights. Both countries pursue same goals, such as put the child's best interest first, but with different implementation of them due to cultural and legislative context. The two countries place strict judicial oversight to post-adoption monitoring, but Uzbekistan prioritizes cultural preservation and family based placements.

As a comparative legal analysis, systematic methodology and case law, but supplemented by statistical data and international standards including the Hague Convention on Intercountry Adoption, the study uses harmonious and integrated methodology. The findings include gaps in post adoption monitoring, inconsistent judicial practices and spotty support for adoptive families. Along with low adoption rate of children with disabilities, hence, inclusive policies are required.

The research contributes by providing actionable recommendations as national law harmonizing with international norms, introducing mandatory parental training for adoptive parents, and post adoption oversight. Outcomes both practical and idealistic include improved social support systems and specialized family courts as well as increased public awareness of adoption benefits. The intent is for these measures to help make adoptions a stronger practice, to make sure every child has the right to grow up in a safe and supportive family environment.

Keywords: adoption procedures, child protection, international standards, children's rights, post-adoption monitoring.

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Өзбекстан мен Қазақстанның азаматтық сот ісін жүргізуінде бала асырап алу рәсімі

Бұл зерттеудің негізгі мақсаты Қазақстан мен Өзбекстанда бала асырап алуға қатысты құқықтық және рәсімдік шеңберлердің халықаралық стандарттарға сәйкестігін бағалау болып табылады. Зерттеу сонымен қатар бала асырап алу процестерін зерттеуге, проблемаларды анықтауға және балалардың құқықтарын қорғауды жақсарту бойынша ұсыныстар жасауға бағытталған. Екі ел де бірдей мақсаттарды көздейді, мысалы, баланың мүдделерін бірінші орынға қою, бірақ оларды мәдени және заңнамалық ерекшеліктеріне байланысты әр түрлі жолмен жүзеге асыру. Екі елде де бала асырап алғаннан кейін қатаң сот қадағалауы жүзеге асырылады, бірақ Өзбекстан мәдениетті сақтауға және отбасылық құрылымға басымдық береді.

Салыстырмалы құқықтық талдау, жүйелі әдістеме және сот практикасы ретінде, бірақ статистикалық мәліметтермен және халықаралық стандарттармен, соның ішінде халықаралық бала асырап алу туралы Гаага конвенциясымен толықтырылған зерттеу үйлесімді және интеграцияланған әдістемені қолданады. Қорытындыларға бала асырап алғаннан кейінгі бақылаудағы олқылықтар, сәйкес келмейтін сот практикасы және патронаттық тәрбиені біркелкі

кіреді. Мүмкіндігі шектеулі балаларды асырап алудың төмен деңгейімен қатар, инклюзивті саясат қажет.

Зерттеу ұлттық заңнаманы халықаралық нормаларға сәйкестендіру, патронаттық тәрбиеге міндетті ата-ана тәрбиесін енгізу және бала асырап алғаннан кейінгі қадағалау бойынша практикалық ұсыныстар беру арқылы өз үлесін қосады. Нәтижелер практикалық және идеалистік болып табылады, әлеуметтік қолдау жүйелерін және отбасылық істер бойынша мамандандырылған соттарды жетілдіруді, сондай-ақ бала асырап алудың артықшылықтары туралы халықтың хабардарлығын арттыруды қамтиды. Бұл шаралардың мақсаты-бала асырап алу тәжірибесін таратуға көмектесу, әр баланың қауіпсіз және қолайлы отбасылық ортада өсу құқығын қамтамасыз ету.

Түйін сөздер: бала асырап алу рәсімі, балаларды қорғау, халықаралық стандарттар, балалардың құқықтары, бала асырап алғаннан кейінгі мониторинг.

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Процедура усыновления ребенка в гражданском судопроизводстве Узбекистана и Казахстана

Основной целью данного исследования является оценка соответствия правовых и процедурных рамок, касающихся усыновления детей в Казахстане и Узбекистане, международным стандартам. Также исследование направлено на изучение процессов усыновления, выявление проблем и выработку рекомендаций по улучшению защиты прав детей. Обе страны преследуют одни и те же цели, например, ставят интересы ребенка на первое место, но по-разному реализуют их в силу культурных и законодательных особенностей. В обеих странах после усыновления осуществляется строгий судебный надзор, но Узбекистан уделяет приоритетное внимание сохранению культуры и семейному устройству.

В качестве сравнительного правового анализа, систематической методологии и прецедентного права, но дополненного статистическими данными и международными стандартами, включая Гаагскую конвенцию о международном усыновлении, в исследовании используется гармоничная и интегрированная методология. Выводы включают пробелы в мониторинге после усыновления, непоследовательную судебную практику и неравномерную поддержку приемных семей. Наряду с низким уровнем усыновления детей с ограниченными возможностями, следовательно, необходима инклюзивная политика.

Исследование вносит свой вклад, предоставляя практические рекомендации по приведению национального законодательства в соответствие с международными нормами, введению обязательного родительского обучения для приемных родителей и надзору после усыновления. Результаты, как практические, так и идеалистические, включают совершенствование систем социальной поддержки и специализированных судов по семейным делам, а также повышение осведомленности общественности о преимуществах усыновления. Цель этих мер состоит в том, чтобы помочь распространить практику усыновления, обеспечить каждому ребенку право расти в безопасной и благоприятной семейной среде.

Ключевые слова: процедура усыновления, защита детей, международные стандарты, права детей, мониторинг после усыновления.

Introduction

The concept of adoption of children can be defined as an institution of family and civil law which has the aim of safeguarding the welfare of children who are without parental care. This process is one of the most effective ways of maintaining the child's right to family, which is provided for in the international law, particularly the Convention on the Rights of the Child. Adoption is a means of providing the conditions necessary for the child's healthy growth and development in the case of child who has been left without a family, fostering the formation of stable family environment. In the past the adoption

process has gone through various changes in different legal and cultural systems. For instance, adoption in Scotland underwent a process of transformation from informal and informal to being a legal process by the Adoption of Children Act of 1926 which provided for a model of complete transfer of parental rights (Norrie 2020).

The contemporary approach to adoption is based on the principle of safeguarding the child's interest and his or her right to develop. This implies not only the legal transfer of rights and duties from the biological parents to the adoptive parents, but also the provision of psychological, social as well as legal stability for the child. However, the issues of adop-

tion regulation are still controversial in the many countries. For instance, the legal measures in Kazakhstan and Uzbekistan have some characteristics in common, but the application of these measures in judicial practice has several issues. Kazakhstan has a strict judicial procedure which is designed to avoid any possibility of violation (<https://adilet.zan.kz/>), while Uzbekistan pays much attention to the cultural factors such as the close relative's right in placing children (<https://lex.uz/>).

This is because adoption issues are critical in both countries and are important in the social policy and in the work of the legislation of the two countries as well. The problems of bringing the national legislation into conformity with the international norms and standards are still actual. In particular, both Kazakhstan and Uzbekistan have no systematic approach to the monitoring of the well-being of adopted children, especially those adopted from other countries, which raises concerns regarding the protection of their rights (Ibratova 2021). Also, the low level of post-adoption control and the lack of social support for adoptive parents threaten the stability and success of adoption (Palacios 2019).

The object of this study is the adoption and the legal and judicial system of adoption in Uzbekistan and Kazakhstan and how it complies with the international standards. The subject matters are the legal mandates and measures for adoption and its application in the civil procedure of the two countries. The aim of the study is to determine the legal and procedural aspects of adoption legislation in Uzbekistan and Kazakhstan, to determine the advantages and disadvantages of the systems and to make a number of recommendations on how the legislation and the practice could be improved with the help of international experience. The research is a consequential part of the study that involves the examination of legal regulatory documents concerning adoption, comparison of the Kazakh and Uzbek legal systems, analysis of the current international norms regarding adoption and their enactment into the domestic legal systems, identifying the issues that are encountered in the course of the judicial practice and suggesting the solutions to those issues.

The research design is logical and systematic, and the research method is comparative legal, analytical and synthetic, and the method of legal engineering. The research is based on an analysis of regulatory legal acts, case law, scientific works and such international standards as the Hague Convention on the Protection of Children and Cooperation in the Field of Intercountry Adoption [6]. Based on

this research, the hypothesis of the study is; The synchronization of the national legislation of Uzbekistan and Kazakhstan with the international norms and the sharing of the best practices between the two countries will help enhance the effectiveness of the adoption processes, the protection of children's rights and provide the necessary conditions for their comprehensive development.

Theoretical contribution of the work is to enrich the theoretical knowledge on the regulation of adoption within the framework of the civil procedure. The applied significance is the identification of the trends and possibilities for the improvement of the legislation and the practice, as well as the provision of recommendations for the application of the international norms regarding the rights of the adopted children. So, the topic chosen is quite relevant and has a great theoretical and practical importance. It will not only contribute to the understanding of the special aspects of adoption rules in Kazakhstan and Uzbekistan but also provide useful measures to enhance legal protection of children and the development of adoption system in conformity with the international norms and standards.

Materials and Methods

The present study aimed at exploring the regulatory legal acts governing adoption and the issues pertaining to it in the Republic of Kazakhstan and the Republic of Uzbekistan. The main materials included the Family Code of both countries, the Code of Civil Procedure, international documents like the Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Cooperation in the Field of Intercountry Adoption. Data on judicial practice were also used, like the decisions on adoption, and the statistics on the dynamics of adoption for the period from 2014 to 2022. Also, the reports of the international organizations such as UNICEF were examined, as well as the scientific publications and legal reviews evaluating domestic and international law in this respect (Ibratova 2021).

The main research question was what aspects of the legal regulation and judicial practice of adoption in Kazakhstan and Uzbekistan need to be improved to protect the children's rights and comply with the international norms. The assumption of the study suggested as thus; To bring the legislation of the two countries in line with the international standards and sharing of the best practices in adoption would enhance the effectiveness of the adoption process and the protection of children's interest.

The study was conducted in several stages. The first of these is the examination of the national legislation of Kazakhstan and Uzbekistan governing adoption with a view of determining their effectiveness and shortcomings. The second stage was the understanding of the international standards and practices and how they are being adopted in the local legal systems. The third stage was the examination of the judicial practice, determination of the problems in the execution of the law and the examination of statistical information on adoptions, both national and international for the period 2014 to 2022. In the fourth stage the data on the post-adoption monitoring and support given to the adoptive parents as well as the integration of the adopted child in the family was discussed. The last of the stages was the presentation of the recommendations for the improvement of the legislation and the practice of the judge.

The methods of the research were the comparative legal analysis to observe the differences in the legislations and procedures of adoption in Kazakhstan and Uzbekistan, systematic approach to adoption as a social-legal construction and its multiple dimensions, content analysis of judicial practice to reveal important tendencies and issues, and statistical analysis of the adoption trends. Also, expert interviews with the experts in the field of family law, judges and representatives of guardianship authorities were conducted to also support or contradict the hypothesis of the study.

The innovation of the research methods was the approach that considered the national legislation, the practice of the courts, and the international norms and values; this allowed to determine not only the distinctions of the approaches of Kazakhstan and Uzbekistan, but also the areas for further harmonization. Another novel aspect of the study was the examining the chances of post-adoption monitoring and the social programs that can help the adoptive parents and the adopted children.

The research showed that there were a number of differences between the legal framework on adoption in Kazakhstan and Uzbekistan. Adoption in Kazakhstan is a very strict and judicial controlled process with anonymity of the procedures while Uzbekistan is concerned with cultural identity and the best interest principle of placing children with extended family. The recommendations include the harmonization of the adoption procedures, the establishment of family courts, the enhancement of social support for adoptive parents and the development of efficient post-adoption controls. These measures are designed to enhance the efficiency of adoption, pro-

mote the protection of children's rights and ensure the convergence of the national systems with the international standards. Therefore, this study supports the hypothesis that the sharing of the experiences between Kazakhstan and Uzbekistan and the integration of the best practices from the international perspective could help to enhance the adoption system and meet the needs of children.

Results and Discussion

Adoption of children has remained a much varied and a growing structure with historical, legal and social background. The main purpose is to provide the child with a stable and permanent family environment where he or she was not cared for by parents. Adoption has a very rich history that has been there even before legal mandates were put in place. For instance, adoption in Scotland had to be changed from informal family decisions to set procedures by the Adoption of Children Act of 1926 which provided for complete transfer of parental rights (Norrie 2020). Globally, adoption is acknowledged as one of the means of child rearing, which is regulated by the ethical and legal norms that adhere to the principle of the best interest of the child (Palacios 2019).

The current child protection systems have adopted adoption as one of the means of providing stability for children who cannot be reunified with their birth parents. Adoption has been viewed as a child-oriented measure that can give children the sense of belonging and foster stability. At the same time, the contact with the biological family after the adoption is also significant for the cultural and family relations (Butlinski 2017). The following are some of the psychological problems that foster children experience in view of the early life traumatic experiences. But these children have a remarkable capacity to bounce back with right care and intervention and achieve good developmental progress (Fisher 2015). However, adoption also has the loss aspect especially the feeling of loss due to family separation which is especially felt during adolescence (Soares 2015). In order to address these issues, the adopted child requires interventions that are focused on the establishment of identity and emotional attachments (Thiessen 2022).

In today's world, single parents' adoption of children is legal and common. For instance, in the United Kingdom, a large number of adoptions are made by single persons. Studies have revealed that the outcomes of single parent adoption can be as good as that of couple adoption, however, needs

more research regarding the long term welfare of the child (Levene 2022). The rights of adopted children, birth parents and foster parents are provided for by the national legislation and the international treaties on human rights. These rights entail procuring consent for adoption, providing post-adoption contact and helping in the formation of the child's identity (Doughty 2019).

Adoption is a complex process which cannot be viewed as a simple sum of historical, legal and social factors, as well as an understanding of child's wants and needs.

The adoption legislation in Uzbekistan has a rather a chequered history and has been shaped by historical and contemporary factors. Before the revolution the adoption issues were mainly unregulated and the custom law paid much attention to protection of the family and traditional values. After gaining independence in 1991 a vigorous process of legal reform was initiated with an aim of protecting the rights and interests of children who were left without parental care (Nurullov 2015).

Adoption was introduced in Uzbekistan in 1998 with the Family Code of the Republic of Uzbekistan playing a key role in the legal definition and practice of adoption. The document defined the general principles and the procedures of adoption including the taking of guardianship and the responsibilities of the adoptive parents. An important issue was the stress made on the national adoption, meaning the State's concern on the cultural and national identity of children. New measures which aimed at enhancing the eligibility of the candidates for adoptive parents were also introduced and strict measures for their background checks were put in place.

Some amendments were made to the Family Code in the year 2012 and one of the areas of concern was to enhance children's rights and the adoption process. Among the most significant changes, the international adoption was prohibited, and it was allowed only when there are no appropriate applicants within the country. This innovation was intended to prevent misuse and to increase the accountability of adoption procedures.

International cooperation has had a great effect on the formation of the national legislation. Uzbekistan has acceded to the Hague Convention on Intercountry Adoption and the Protection of Children. However, the full implementation of the provisions of the Convention is deemed as a critical and urgent need. Much attention is given to the improvement of the supervision of children's rights during adoption, including the supervision of their placement in new families.

Adoption procedures in Uzbekistan are governed by the Civil Procedure Code and are convenient for observation since they comply with the national and international norms. These procedures are of paramount importance in ensuring the protection and preservation of the rights of the adopted children and are thus an indication of the high level of State concern in the area.

Adoption in the Republic of Uzbekistan is a very a strict legal process and is only performed by judicial order and this is in conformity with the constitution, international conventions and global practices. This system provides for the protection of the rights and interests of children who are not cared for by their parents and ensures their well-being at every stage of the adoption process (Ibratova 2021).

Adoption in Uzbekistan is a process that comprises several steps that ensure the child's rights and the legality of the process (<https://lex.uz/>). The first of these is the application which potential adopters can make to the guardianship authorities or the Ministry of Justice to enquire about the process of adoption (<https://lex.uz/>). Then the official registration begins, which is accompanied by the submission of necessary documents such as a passport, medical certificate and income statement. All these measures serve the purpose of ensuring that the process is as transparent as possible and that the best interests of the child are observed (<https://lex.uz/>). The next level is the social and psychological evaluation of the adoptive parents to establish their willingness and capacity to cater for the child's needs. In this assessment an adoption permit (certification) is granted. After getting the certificate the guardianship authorities proceed to search for a child who is suitable for the future parents.

The next step is the meetings and getting acquainted with the child that is to be adopted and then a decision is made on the adoption. There is a match report that is written to establish the compatibility of the adoptive parents and the child. The next stage is the most important one – the handover of the child to the adoptive parents and ends with a court decision. Post-adoption monitoring is the final stage where the guardianship authorities continue to observe the child's circumstances in the new family. This process is to ensure that there is a steady and secure environment which is also protective of the adopted child's interest in accordance with the local and international laws.

The detailed structure of the adoption process is shown in Figure 1, which reflects all the stages of the procedure – from submitting the first request to post-adoption monitoring.

Adoption Process in Uzbekistan

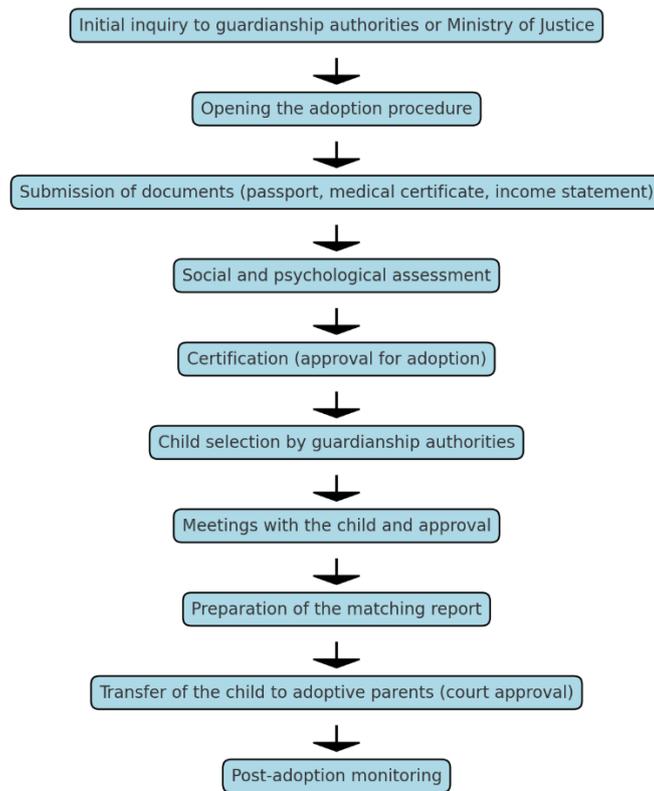


Figure 1 – Adoption Process in Uzbekistan

Adoption in Uzbekistan has been a much evolved process over the past few decades with the help of legal changes and social political changes. Adoption in Uzbekistan was not well defined and therefore adoption records were not well kept up to the 1990s. Since the year 1991 Uzbekistan has made attempts to change the child protection system in regard to adoption of children domestically as well as internationally. In the year 2012, the Government of Uzbekistan made some major changes to the Family Code for the improvement of the legal aspect of adoption. These changes highlighted the policy of domestic adoption and set down tough conditions for international adoption. Thus, according to the revised legislation, international adoption is possible only in those cases when there is no appropriate national foster family and very much emphasized control and monitoring of the child's situation.

However, the adoption has not been very frequent in Uzbekistan even after the adoption of these reforms. Adoption in Uzbekistan has been through a rather evolutionary process in the pe-

riod 2014 to 2022 with adoption rates increasing to 2019 ((Atalykova 2021) 7-31. 5 per 100,000 of the population) due to government intervention and then dropping to 23. 3 in 2022 from 2019 (<https://www.transmonee.org/>), which is explained by the increased regulatory scrutiny, the consequences of the pandemic and the low rate of adoption of children with disabilities, which shows the necessity of the system's reform to make the procedures easier, provide more support to the adoptive parents and create special programs.

This analysis is done using data that is provided by the The Transformative Monitoring for Enhanced Equity (TransMONEE) initiative that is conducted by UNICEF. TransMONEE is a rich database which has been developed to monitor and assess the progress of key socio-economic indicators concerning children, young people and women in Central and Eastern Europe and Central Asia since 1992. The study encompasses data on child population, alternative care systems, adoption measures and other issues concerning the protection of chil-

dren's rights. The last publication of TransMONEE for 2023 describes the dynamics of different types of family arrangements and child care in Uzbekistan in the adoption context from 2014 to 2022.

The graph presented below (Figure 2) depicts the trends in adoption rate in Uzbekistan during the

period 2014-2022 in the form of rate of adoption per 100,000 children, where the X axis shows the years (2014-2022) in which the data is available and the Y axis depicts the adoption rate (per 100,000 children). Meanwhile, the line on the graph depicts the trends in adoption rate over the years.

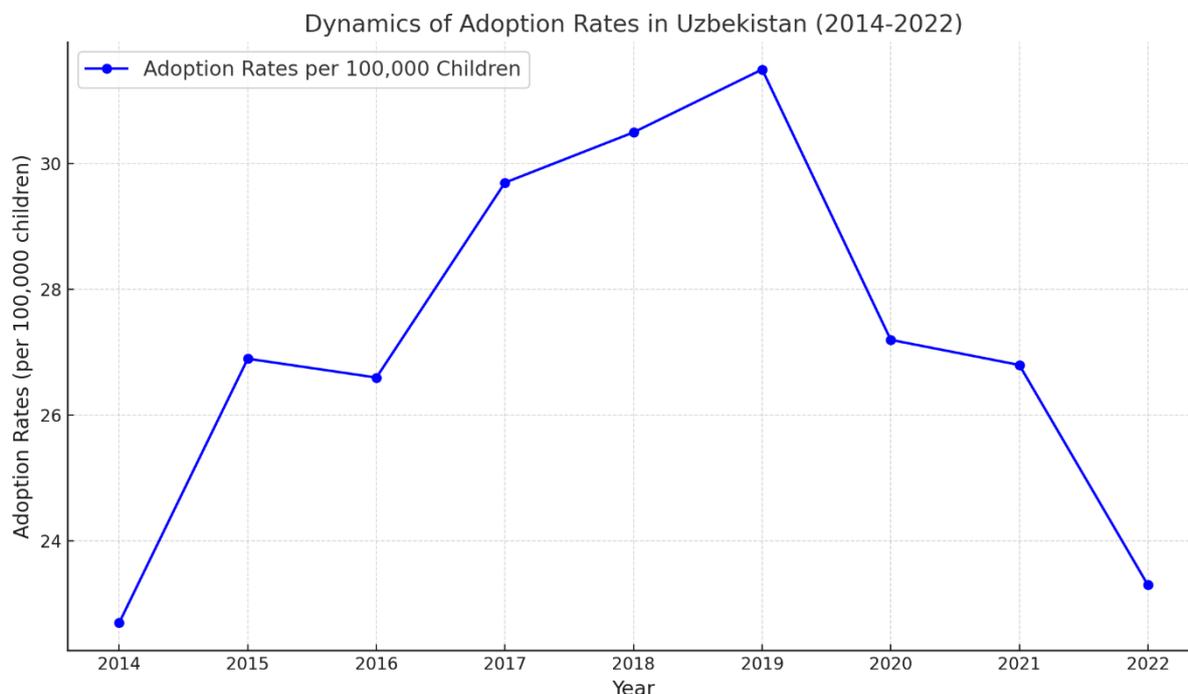


Figure 2 – Dynamics of Adoption Rates In Uzbekistan (2014-2022)

In the considered period of 2014–2019 adoption rates increased and reached the values from 22.7 to 31.5 per 100,000 children (<https://www.transmonee.org/>). This increase may be due to several factors such as the enhanced government policies that have been put in place to encourage adoption, or public campaigns that have been undertaken with an aim of enlightening the public on the need to adopt children. However, the data shows a decline starting in 2019 and by 2022 the indicator was at 23.3 (<https://www.transmonee.org/>). This may be explained by the enhanced legal regulation of the adoption process which, on the one hand, enhanced the control over procedures and, on the other hand, posed some obstacles for future adoptive parents. The COVID-19 pandemic may also have some effect on it, which made the administrative procedures more challenging and decreased the accessibility of the necessary resources for adoption.

It should however be noted that the highest increase in adoptions was witnessed in 2019 where the numbers were at their highest. However, the drop after this year shows the need to identify the current challenges that include; lengthy legal requirements for adoption, insufficient support for the adoptive parents. In addition, the data show that adoption of children with disabilities is very low: 0.2% of such children were placed in families, which proves the necessity of special plans designed for supporting the families willing to adopt children with certain needs.

Overall, the trends in adoption of children in Uzbekistan also stress on the need to enhance the adoption system. Beasing the legal requirements, providing material and psychological support to the would-be parents, creating awareness camps for adoption and developing packages for special needs children can help in increasing the rate of adoption

and ensure the rights of every child to have a family. Further reforms in this area are necessary in order to address the needs of the children out of parental care.

Adoption of a child in Uzbekistan is a legal procedure which involves several steps to meet the needs and rights of children who are without parents or parental care. Pursuant to article 151 of the Family Code of the Republic of Uzbekistan, adoption is possible only for the minor children and only for their benefit. This principle is supported by norms of article 24 of the Law “On Guaranties of the Rights of the Child”, which defines adoption as one of the forms of placement of children, similar to the relationship with the biological parents (Latipova 2021).

Adoption procedure is done through the court to protect the rights of all the parties involved in the adoption process. The trial is always conducted with the mandatory involvement of the guardianship and guardianship authorities who give an opinion on the adoptability of a child. They evaluate the prospects of potential adoptive parents’ moral, material, and social well-being as well as their ability to provide a child with proper conditions for his or her development. The court is required to take into consideration the opinion of the child if he or she has reached the age of ten years which affirms the rights of the child to be heard (Sharaxmetova 2024).

Despite significant achievements, there are problems in judicial practice related to the uneven consideration of cases and the lack of clear deadlines for their completion. First and foremost, there is an inadequate cooperation between the courts, the guardianship authorities and other institutions in practice. This leads to delays in the processes which are disadvantageous to the protection of the interest of the child. In order to prevent such issues, it is recommended that specific family courts should be established to ensure that such cases are heard and determined efficiently and effectively (Ibratova 2021).

A lot of attention is given to the issues of cancellation and recognition of adoption as invalid. Article 168, 169 of the Family Code of Uzbekistan has provided that adoption can be made void if the adoptive parents fail to meet their responsibilities, abuse parental rights or neglect children. Adoption can be declared void if adoption documents were forged or adoption was fabricated. Such cases are carefully evaluated with the participation of the prosecutor and guardianship officials, thus reducing the chances of violating the child’s rights (Atalykova 2021a).

Another important issue is the application of the international norms and norms of the Convention on the Rights of the Child in the regulation of adoption in Uzbekistan. These standards emphasize the need for protection of children in the new families. However, the low level of post-judicial supervision of the adoptive parents’ compliance with their obligations is a challenge that needs to be addressed. This means that the development of monitoring check points to check on the child’s condition in the new family may be helpful in enhancing the effectiveness of the system (Elmuratov 2021). One of the most important aspects of the process is the protection of adoption records to prevent the interference of third parties in the personal lives of the child and his or her new parents. This measure also enhances the confidence of the channel participants in the adoption system. Nonetheless, the issue of the need for the adoption legislation reform continues to be relevant. For instance, it has been suggested that it would be useful to introduce a rule that would allow for appeals of decisions made in respect of adoption cases within the set time and this would be useful in protecting the rights of all persons involved.

Hence, adoption proceedings in Uzbekistan are a complicated and staged process aimed at protecting the interests of children. The creation of the new courts, the supervision of the fulfillments of the duties of adoptive parents, as well as the application of the international norms will lead to the development of a system that will provide every child with his or her right to family life.

When it comes to the issue of adopting a child in Kazakhstan, it is a critical aspect of the legal system designed to safeguard the welfare of children who are growth up without parental care. According to the law, adoption is the preferred method of placing children in a family and aims at protecting the child’s rights to development and social protection. The Constitution of the Republic of Kazakhstan, the Family Code and other Laws and Regulations comply with the Convention on the Rights of the Child and protect the rights of the child and regulate adoption (Kasienova 2016).

The judicial system is at the center of administration of adoption. According to the rules of the Code of Civil Procedure, adoptions are done in secret sittings which is to protect the interest of all the parties involved. The judicial authorities are allowed to take into consideration many factors such as the age of the child, his or her opinion if he or she has attained the age of ten years, the financial and the social status of the would be adoptive parents among

others. These measures are taken with the view of ensuring that adoption is in the best interests of the child and provides for him or her environment that is as near as possible to family.

However, there are a number of issues that remain a concern and have been observed in practice and which could be improved. One of the major issues is the absence of the compulsory pre-trainer sections for adoptive parents, like psychological evaluation or training. Several countries such as the United States and France have adoption training programs for would be adoptive parents to help them prepare them for the challenges that they are likely to encounter and to ensure that their expectations are in line with what they are likely to get. As such, the legislation in Kazakh should be enhanced in a way that would reduce the chances of inappropriate adoptions being made.

Another issue that can also be considered as a problem is the lack of control of the child's living conditions after adoption. Post-adoption monitoring which is the frequent visits by the guardianship authorities in the new homes of the child has not been well established in Kazakhstan. This creates a risk that the child may be exposed to unacceptable situations or conditions in the new family. Monitoring as a practice has been seen to prevent such occurrences and enhance stability of families.

Another issue that is worth considering is inter-country adoption. Over the last few years Kazakhstan has been actively engaged in the matters pertaining to placement of children in families across the borders. However, the problem of the absence of systemic supervision of the situation of children adopted by foreign persons is a concern. It is necessary to increase the cooperation with the international organizations and to create mechanisms that would enable monitoring of the child's situation in the country. Also, there is the social aspect of adoption that needs to be taken into consideration. This institution is still perceived with certain amount of disapproval by the community and many families are eager to avoid the social pressure or are not well informed about the legal aspects of adoption. To overcome these problems, it is necessary to organize informational campaigns with the goal of raising awareness and decreasing the level of adoption stigma. Such measures will contribute to the encouragement of more families to open their homes for the children who are growing up without families.

The findings of the study of the proceedings on the adoption of a child in the civil proceedings of Uzbekistan reveal that this process is not black and

white, it has legal, social and ethical dimensions. The main goal of Uzbek legislation is to protect the rights and well-being of the child, which is supported by the provisions of the Family Code and the Code of Civil Procedure of Uzbekistan as well as the country's signature to the international conventions, for example, the Convention on the Rights of the Child (Ibratova 2021).

The analysis of the adoption rates for the period 2014-2022 shows that adoption rates have been on the rise with the highest rates recorded in 2019 at 31.5 per 100,000 children. But by 2022 the numbers had fallen to 23.3 due to enhanced policies, restrictions brought about by the COVID-19 pandemic and enduring cultural beliefs especially regarding children with disabilities [4]. The average adoption rate over this period was 27.24 children per 100,000 population, which shows that this practice was not very common in contrast to the neighboring countries [16].

The courts are principally involved in the adoption process to give legal and proper course to the adoption procedure. They are expected to take into consideration the wish of a child who has attained the age of ten years and also to establish whether the adoptive parents are suitable for the child. But the practice reveals that lack of sufficient preparation of cases by guardianship and guardianship authorities may aggravate and prolong the process. For instance, there is a low level of scrutiny of prospective parents for the children who are likely to be adopted, and the information about children available for adoption is limited, but specifically, for those with special needs (Atalykova 2019).

The variation in adoption rates across the regions is also an important issue of concern. For instance, the adoption rates are high in the cities of Tashkent and Samarkand while in the rural areas of Jizzakh and Navoi adoption rates are low. These differences show that there is a need to address the issue of equal distribution of resources and support to the regions where the guardianship structure is still weak (Ibratova 2021). The low rates of adoption of children with disabilities are of particular interest. According to the data, only a small part of such children are placed in foster families and such placement is not done due to lack of specialized support programs and social stigma (Esanova 2024).

These can be explained with the help of the development of legislative reforms and public awareness campaigns on the need for an integrated approach to adoption. To eliminate these differences and provide equal accessibility of the adoption pro-

cedures in all the regions, it is necessary to undertake measures that will enhance the development of the guardianship in the rural areas and create awareness. It is necessary to establish best practices for applications and support of the adoption process which will consider the particularities of the given region. Such steps will provide equal opportunities to all would-be parents and improve the prospects of children including those with disabilities to be placed in a family setting.

Adoption process in Kazakhstan starts with the initial contact where the would-be adoptive parents make their first contact with the guardianship authorities or the Ministry of Justice to get the initial information on the procedure. Subsequently, an official application is filed to start the adoption procedure, which signals the start of the legal process (<https://adilet.zan.kz/eng/>). Applicants are now required to produce copies of passports or identity cards, medical certificates, sources of income or financial statements, and proof of residence in the form of ownership of houses or lease agreements (<https://adilet.zan.kz/eng/>). After providing the required documents, a thorough evaluation is conducted to establish the suitability of the future parents. This assessment comprises of the social assessment of housing and family environment, the psychological testing to measure on the emotional preparedness and psychological well being, and the medical examination to check on the physical health.

After this, future parents are issued with an official certificate permitting them to proceed with the adoption process. Then the stage of selecting and choosing a proper child starts where the guardianship authorities seek for a proper child based on the parameters of the adoptive parents and the needs of the child as well. The future parents then spend some time with the child to build a bond and to try to understand each other, which is done in several meetings in order to ensure that both the parent and the child are comfortable and ready. There is then a compilation of a detailed comparison report which includes information from the psychologists and the guardianship authorities on the compatibility of the child and the foster parents; the adoption case is then presented to the court. The court goes through all the paperwork, looks into the matter and approves the adoption as having been in the best interest of the child.

But this is not the end of the process; post-adoption monitoring is done for three years to check on the welfare of the child after adoption and to ensure that the adopted child is well cared for. This sequential and comprehensive approach ensure that the adoption is done properly and for the benefit of the child and evidence the willingness and capacity of the adoptive parents.

You can therefore see the Figure 3 presented below, which shows the adoption process in Kazakhstan.

The changes in the rates of child adoption are key in understanding the success of government policies in the area of child protection and family placement. Such information can help one to understand the trends of the changes in the number of adoptions, the reasons to the increase or decrease of the rates and measure for handling those issues. For instance, a drastic decrease in adoption may call for the need to make the process easier, to create a better environment for would-be adoptive parents or to create awareness that adoption of a child into a family is possible.

The information on the trends in adoption of children in Kazakhstan was obtained from the National Statistics Bureau of the Republic of Kazakhstan which has the responsibility of keeping the records of children under guardianship, guardianship and patronage. The data sets include the information on the number of adopted children within the period of consideration that enables us to evaluate changes in indicators and pinpoint major trends concerning the protection of children's rights and family arrangements. Due to the efforts of the Bureau of National Statistics, it is possible to assess the efficiency of the government's actions in this field and make appropriate decisions with the goal of enhancing the situation.

The trends in adoption of children in Kazakhstan for the period between 2013 and 2022 have been quite oscillating. In 2013, 143 children were adopted, and then the number of adoptions increased and in 2015 reached its maximum of 340 children (<https://bala.stat.gov.kz/en/>). This growth may be explained by the enhanced focus of the government on the issue of adoption of children and improvement of the social culture towards adoption. However, since 2016 there was a dramatic decrease in adoption which was maintained up to 2020.

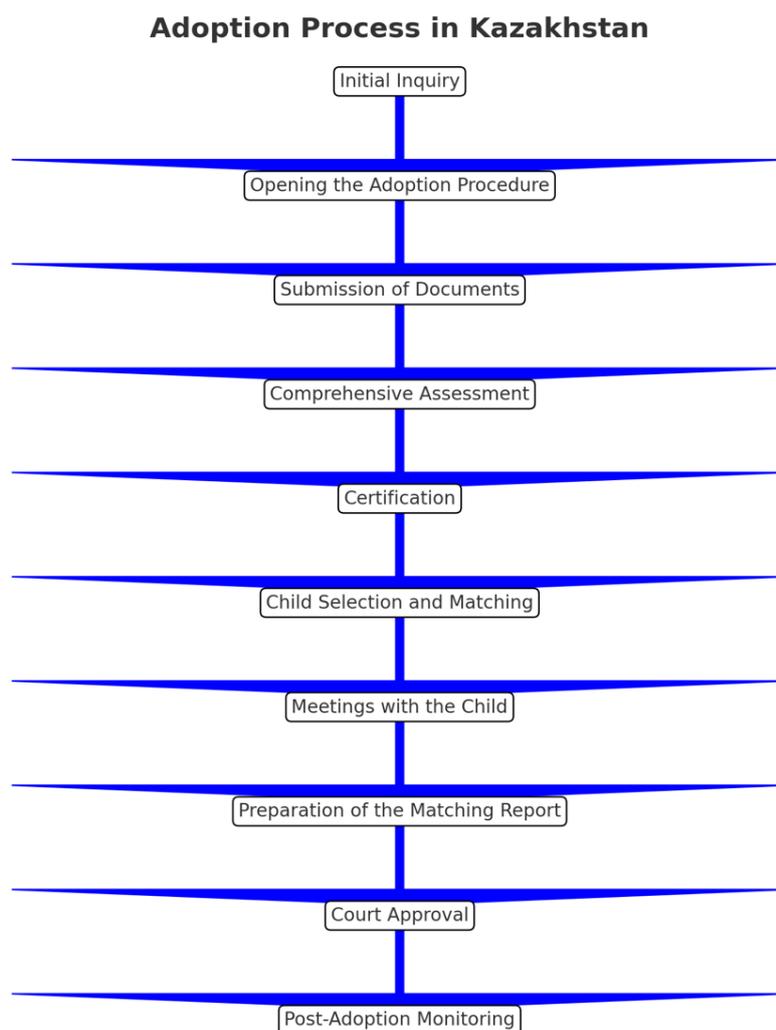


Figure 3 – Adoption Process in Kazakhstan

As for the period from 2016 to 2020, it is possible to state that adoption rate was the lowest: in 2016 195 children were adopted, in 2020 – 131 children (<https://bala.stat.gov.kz/en/>). This could be as a result of strict adoption procedures, or the bar being raised in terms of what is expected of the adoptive parents or the social and economic conditions that the families were going through in this time. The COVID-19 pandemic which occurred in 2020 may have also contributed to the reduced rates of adoption due to restrictions on visits, paperwork and lawsuits.

Since 2021 there has been a slight increase in the adoption rates – 209 children adopted in 2021, 196 in 2022 (<https://bala.stat.gov.kz/en/>). This could also be a sign of the adoption process slowly get-

ting back to normal from the pandemic as well as the renewed efforts in encouraging adoption of children. Nevertheless, adoption rates remain significantly lower than those at the beginning of the period, which proves the necessity of the further work on the adoption promotion, the improvement of the adoption procedures, and the support of foster families.

The graph (Figure 4) presented below depicts the trends in the number of adopted children in Kazakhstan for the period 2013-2022. The graph presents the trends of adoptions in the number of years with an increasing trend prior to 2015, a decreasing trend in the following years and a partial recovery in the years after 2020.

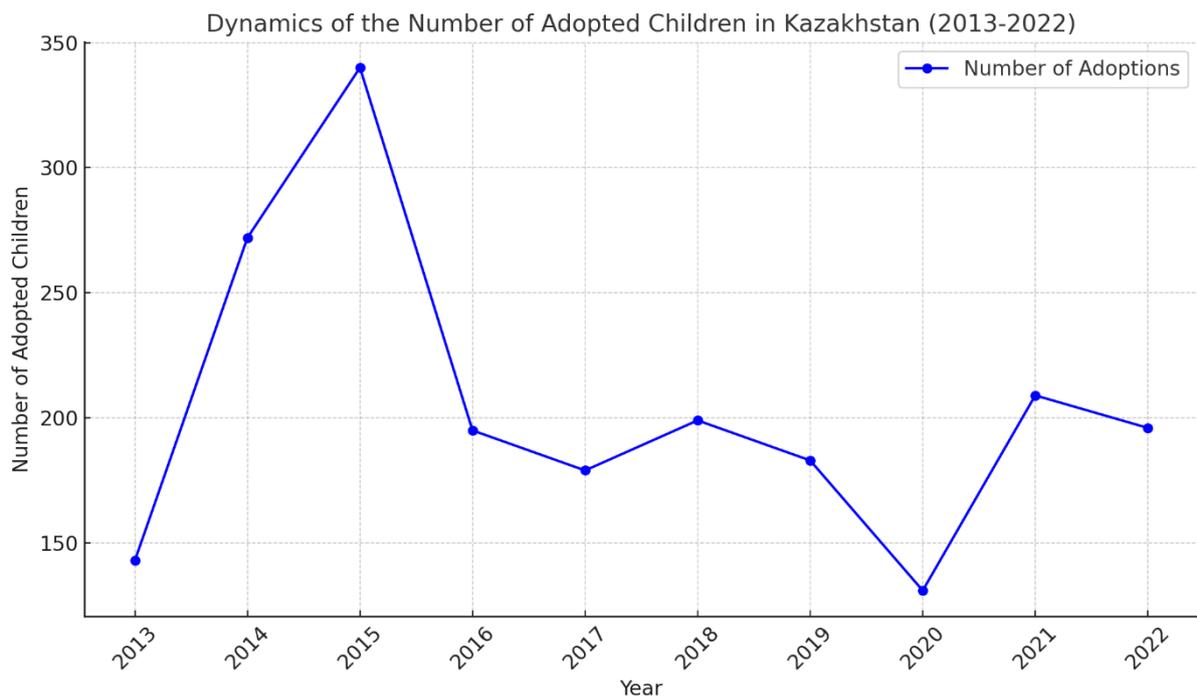


Figure 4 – Dynamics of the Number of Adopted Children in Kazakhstan (2013-2022)

The adoption procedure is very important as it helps in protecting the rights of children, and at the same time make sure that they are placed in a good home. The two countries in focus, Uzbekistan and Kazakhstan have put in place legal frameworks governing adoption, in light of their culture, social and legal systems. Based on the analysis of the adoption systems in these two countries, it is possible to see the commonalities and differences in the systems and evaluate how well the needs of children and the foster parents are addressed. The following analysis gives a brief overview of the common and unique aspects of adoption in Uzbekistan and Kazakhstan, as well as the advantages and disadvantages of the systems.

The following diagram (Figure 5) uses the Venn diagram approach to compare adoption procedures in Uzbekistan and Kazakhstan with a view of identifying the similarities and differences in the legal and operational aspects. The gray part demonstrates the aspects that are peculiar to Uzbekistan, for instance, the adoption is governed by the Family and Civil Procedure Codes, the traditional approach towards adoption is emphasized, relatives have priority in adoption and there are strict rules regarding adoption by foreign parents. The light blue section shows the aspects of adoption as implemented in Kazakhstan, for instance, the post-adoption monitoring and the possibilities for the foreign adoptive parents to

be more involved in the adoption process. The area covered by both blue and blue-green colors presents the elements that are shared by both countries: both of them rely on civil litigation, both are aimed at the protection of the child's interests, both require the involvement of guardianship authorities and both require judicial authorization for adoption to be completed.

From this comparison it can be seen that the two countries do attempt to protect children and integrate them into the family environment but the approaches are different due to the cultural, social and legal context of the two countries. The Uzbek system is highly sensitive to the issue of national identity and family relations, which speaks to the conservative attitude towards the concept of foreign adoptive parents. On the other hand, Kazakhstan has embraced the international standards by allowing easier and more frequent adoption procedures and at the same time ensuring that the welfare of the adopted child is constantly checked. By understanding these differences, it is possible to determine which aspects the given country could adopt from the other country's experience with a view of enhancing the efficiency and equity of adoption procedures. This paper aims at identifying the procedures for adoption of children in Kazakhstan and Uzbekistan and the measures that have been put in place to ensure

sidered (Atalykova 2019c). International adoption in Kazakhstan, including mandatory post adoption monitoring, is interesting for implementation in Uzbekistan where control over the fate of children adopted by foreigners is not regulated. Thus, Uzbekistan is able to share its practice of preserving ties and cultural affiliation, e.g. via promoting domestic adoption and maintaining family ties (Elmuratov 2021).

Training programs for adoptive parents should be given special attention to their development. Mandatory trainings for potential parents (in Kazakhstan is a need) that they would have to go through to prepare for child raising; especially if they experienced traumatic experience. Hence these programs can be achieved in Uzbekistan, where the focus is on the consent of the child over the age of 10, and so as to minimize the risk of inconsistency between adoptive parents' expectations and the child's real needs.

National systems benefit from international cooperation as well. Both countries can further intensify their participation in projects on the basis of the United Nations and UNICEF, including the development of basic standards of monitoring the rights of the adopted children. In addition, the exchange of data between countries on children available for adoption and joint educational programs will contribute to strengthen procedures (Zhumanova 2024). However, weaknesses including insufficient level of preparation of cases and uneven judicial practice need to be improved at the same time. For instance, the introduction of specialized courts for adoption cases in Uzbekistan should be an experience for Kazakhstan which also has to carry out a judicial reformation process in not only unifying but speeding up processes, including for adoption.

Against this background, some amendments to the legislation of both countries are proposed. In Kazakhstan, however, it's advisable to have a system of monitoring the fate of adopted ones, in particular adopted by foreign citizens. But social support for adoptive parents also needs to be strengthened to minimise the risk of the child reverting back into government institutions. Second, the ratification of such international agreements as the Hague Convention for the Protection of Children and the creation of the mechanism for post adoption monitoring through social services is recommended in Uzbekistan.

International cooperation should be strengthened and special attention should be paid to it. Taking this approach, both countries may arrange joint conferences to discuss the approaches to adoption and harmonization of legislation. The adoption of a

single platform for circulation of adoption data between countries will facilitate tracking the children and their fate, and the countries will participate in international organizations, like UNICEF, to introduce the best international practices.

Creating specialised judicial units to deal only with adoption cases may be an important step. Not only will this help speed that up, but it is also going to help make it better because it's involving people who know exactly what they're talking about. Additionally, we need to provide education for citizens on adoption so that we help more domestic adoption and lessen the need to contact foreign adoptive parents. That being said, studying the experience of Kazakhstan and Uzbekistan in the adoption field and active international cooperation will become a basis for improvement of legislative and enforcement mechanisms. It will not only protect the rights of these children deserted by their parents but also will create conditions for their full development in the family environment.

Conclusion

The aim of the research was to analyze the legal regulation and judicial practice of child adoption in Kazakhstan and Uzbekistan, find out the main problems concerned with observance of the rights of children, as well as the rights of adoptive parents and to formulate recommendations for their solution based on the international standards. However, applying a systematic approach, comparative legal analysis and study of judicial practice in both countries enabled us to better understand the nature of the problems and suggest ways of getting rid of them.

Based on these results, the study confirmed the necessity of harmonization of national legislation of Kazakhstan and Uzbekistan with the international legislation in force, in particular with the Convention on the Rights of the child and the Hague Convention of the protection of Children. Though these countries have basic mechanisms protecting children's rights, they appear to have different approaches in terms of them. Juvenile procedures and their confidentiality, strict judicial control of acts and active implementation of the international standards are among Kazakhstan's priority directions. In turn, Uzbekistan pays attention to preserving the cultural identity of children, placing them in national families and relatives, that is, conserving the country's traditional values.

Common issues to both countries were identified by the study. The lack of full scale post adop-

tion monitoring creates a deficit of control over living conditions of adopted children and establishment of their adaptation to new family. In the case of international adoption, this gap is especially important due to the greater difficulty of guaranteeing that the rights of the child are realized at the required level. In addition, adoptive parents are not likely to be trained adequately for their role; the high expectations placed on adoptive parents and the real situations that arise for children who are returned to government institutions contradict each other.

An important problem is indeed the length and complexity of adoption procedures both on account of bureaucratic barriers and because of the diversity of standards in judicial practice. This is true for domestic and for international adoption proceedings. Furthermore, despite a very low rate of adoption of these children, statistical analysis has shown that specialized programs should be developed to assist adoptive parents and children.

Based on the work carried out in the research, some conclusions can be derived. Secondly, harmonization of the national legislation of Kazakhstan and Uzbekistan with international standards will make both the adoption system more effective and transparent. Second, mandatory training programs for adoptive parents not only to be offered, but also put into full practice, would lead to dramatically reduce difficulties in the adaptation of children to new families through psychological and social support. Thirdly, the post-adoption monitoring has to be especially strengthened in the case of international adoption to meet the child's rights, including respect for his well-being in a new family.

There are prospects for further work in this area, including the development of unified approaches to the judicial review of adoption cases, of specialized family courts and of social support programmes for adopting parents. Financial assistance as well as educational programs increasing public knowledge of the significance of adoption belong to this. Additionally international cooperation has to be strengthened by the exchange of the data on children who can be adopted and the joint educational projects with the major international organization like UNICEF.

Attention should be given to the way monitoring and reporting mechanisms will protect the rights of children after adoption. As examples of protection provision in adoption, it can include representatives of the guardianship authorities visiting the child regularly, assessing the way in which the child is living, and creating opportunities for feedback for adoptive parents. Such mechanisms, which will be introduced, will also provide protection from violation to the children's rights and guarantee their normal development in new families.

The fact that Kazakhstan and Uzbekistan succeeded in this field makes it important to unite the procedures and harmonize laws with international requirements. The practical significance of the proposed recommendations derives from the fact that they can be of practical use to release the national child protection systems, improve judicial practice, provide social support to adoptive parents. These measures will help to strengthen the adoption institution and facilitate the normal and safe growth of every child within a family environment, an important task of modern social policy.

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