

Annotation
of the dissertation submitted for the academic degree of PhD
in the educational program «8D04201 – Jurisprudence»
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Topic: «Problems of Legal Support for Climate Protection in the
Republic of Kazakhstan»

General characteristics of research. The first section of the dissertation research examines the theoretical and legal issues of climate protection. It studies the ecological and legal significance and content of the climate, the legal principles of its protection, the formation and development of climate protection legislation, as well as the legal mechanisms and problems of implementing international climate obligations into the national legislation of the Republic of Kazakhstan. This section reveals the essence of climate as a legal category and provides an analysis of the national practice of fulfilling international climate obligations.

The second section investigates the state-legal mechanisms for climate protection, considers models of climate policy, and examines the legal regulation of the carbon market in the context of fulfilling the Republic of Kazakhstan's climate commitments. It analyzes the main problems of state legal regulation in the field of climate protection and presents proposals for improving the institutional structure of the state in the area of climate policy. Based on the study of legal models of climate protection, conclusions are drawn regarding the need to improve legal regulation, and the importance of legal regulation of the carbon market for fulfilling Kazakhstan's climate obligations is justified.

The third section conducts a comparative legal analysis of climate protection regulation in the context of the digital transformation of the Republic of Kazakhstan, comparing it with the legislation and practices of foreign countries. It proposes specific mechanisms for improving national legislation in this area and substantiates the need to adopt a special legal act aimed at climate protection. Legal foundations for the use of digital technologies in climate policy are also developed.

The relevance of the dissertation research is determined by the increasing number of legal relations involving foreign persons in the Republic of Kazakhstan under the conditions of a modern integrated market economy. The expansion of international relations, the attraction of USD 28 billion in foreign direct investment in 2023, and the implementation of major projects involving foreign investors enhance the importance of effective judicial protection of their rights.

The participation of foreign persons in business, land, matrimonial, and other legal relations inevitably leads to their interaction with the judicial system, which complicates civil proceedings. In accordance with the Constitution of the Republic of Kazakhstan, the International Covenant on Civil and Political Rights, and the Civil Procedure Code of the Republic of Kazakhstan, foreign persons enjoy procedural rights and perform procedural duties on an equal basis with citizens and legal entities of the Republic of Kazakhstan.

In practice, difficulties arise in accepting documents executed abroad, collecting evidence, and notifying foreign persons. In 2025, 113 statements of claim were filed in investment disputes, and the total amount recovered amounted to approximately KZT 9 billion. In this regard, a special study of the legal status of foreign persons and the specific features of cases involving them is of great importance for improving the quality of the administration of justice in civil cases in the Republic of Kazakhstan.

Degree of development of the Topic. To date, climate issues have been considered primarily at the level of international law and strategic documents. The Republic of Kazakhstan ratified the Kyoto Protocol and the Paris Agreement, which gave significant impetus to the development of national climate legislation. Despite Kazakhstan's active participation in international climate policy, there remains a need to improve the organizational and legal mechanisms for climate protection, to further develop the understanding of climate as a legal category, and to develop national climate legislation taking into account foreign experience.

The methodological basis of the study consisted of general scientific and special methods of cognition, including dialectical, comparative legal, formal legal, and historical legal methods, as well as analysis and systematization.

The regulatory framework of the study included the Constitution of the Republic of Kazakhstan, international legal instruments, the Environmental Code of the Republic of Kazakhstan, the Water Code of the Republic of Kazakhstan, and other regulatory legal acts governing the relevant legal relations.

Purpose and Objectives of the Dissertation Research. The aim of the dissertation research is to conduct a comprehensive analysis of the theoretical, legal, and practical issues of climate protection, as well as to develop proposals for improving national legislation. To achieve this goal, the following objectives have been set:

- To study the ecological and legal significance and content of the climate;
- To determine the essence of the legal principles of climate protection in the Republic of Kazakhstan;
- To analyze the formation and development of the legislation of the Republic of Kazakhstan in the field of climate protection;
- To investigate the legal mechanisms and problems of implementing international climate obligations into the national legislation of the Republic of Kazakhstan;
- To define the concept and directions of state regulation in the field of climate protection;
- To examine the system and activities of state bodies of the Republic of Kazakhstan in the field of climate protection;
- To conduct an analysis of the problems of legal models of climate protection;
- To study the legal regulation of the carbon market in the context of fulfilling the climate obligations of the Republic of Kazakhstan;

- To investigate the legal experience of leading countries (Russia, China, Germany) and the issues of international cooperation in the field of climate protection;

- To determine the role and effectiveness of digital transformation and artificial intelligence technologies in the field of climate protection.

Object and subject of the research. The object of the research comprises social relations that arise in the process of:

- reducing damage caused by climate change,
- adapting to climate change,
- fulfilling international climate commitments, and
- implementing state climate strategies.

- This includes the norms, mechanisms, and principles enshrined in national and international legislation, which are aimed at:

- preventing and adapting to climate change,
- regulating climate strategies and obligations, and
- governing the behavior of both international and domestic actors in the field of climate protection.

Provisions Submitted for Defense:

1) From a legal perspective, climate is a complex and multifaceted category of a universal global nature, influenced by human activity and characterized by specific features of origin. It is defined as a long-term combination of atmospheric, geophysical, and biospheric processes occurring within a particular territory or at the global level, affecting human life and health, the use of natural resources, and socio-economic development, and serving as a foundation for environmental security and sustainable development. Climate protection is understood as law enforcement activity representing a system of principles, legal norms, institutions, and rules enshrined in national legislation and international legal instruments, aimed at reducing, limiting, and preventing adverse anthropogenic impacts on the climate system, decreasing greenhouse gas emissions, adapting to and mitigating the consequences of climate change, with the purpose of ensuring environmental security and the sustainable development of the state.

2) Within the framework of the study, the following principles of legal regulation of climate protection are identified:

- the principle of the inevitability of integrative climate change;
- the principle of balance between prevention and adaptation;
- the principle of differentiated climate responsibility;
- the principle of scientific substantiation of climate regulation;
- the principle of environmental security and sustainable climate development;
- the principle of openness in climate matters;
- the principle of prioritizing a carbon-neutral economy.

3) The formation and development of the legislation of the Republic of Kazakhstan in the field of climate protection are proposed to be considered in light of historical stages, both within the framework of international law and in the context of independent Kazakhstan.

4) In the mechanism of state regulation of climate protection, the legal form plays a key role. The regulatory framework consists of the Constitution of the Republic of Kazakhstan, environmental legislation, legal acts governing greenhouse gas emissions, the quota system, carbon trading mechanisms, and legal acts related to adaptation to climate change.

5) The following directions of state regulation are proposed:

- improvement of the regulatory framework for emission reduction and adaptation to climate change;
- development of strategic planning in the field of decarbonization and carbon neutrality;
- application of economic incentive instruments;
- monitoring and state control of climate risks and emissions;
- development of renewable energy sources and enhancement of energy efficiency;
- development of international cooperation and implementation of international obligations.

5) In order to improve the effectiveness of climate policy, it is proposed to establish a specialized government body. In this regard, the necessity of creating a Climate Protection Committee under the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan is substantiated.

The main functions of this body include: coordination of the activities of government agencies; development and implementation of emission reduction programs; monitoring compliance with international obligations; scientific support for climate policy; improvement of climate legislation; and development of international cooperation.

The establishment of such a body will enhance the effectiveness of public administration, ensure the coherence of climate policy, and facilitate the fulfillment of international obligations under conditions of sustainable development.

6) The carbon market is a legally established economic and legal mechanism aimed at reducing greenhouse gas emissions and stimulating the transition of businesses to environmentally friendly technologies. The legal regulation of the carbon market is a system of legal norms and institutions governing economic relations related to the reduction, control, and trading of emissions for the purpose of environmental protection and ensuring sustainable development.

7) The author proposes a draft Law on Climate Protection. Its scientific significance lies in a comprehensive and systematic approach to the regulation of climate relations. The adoption of this law will ensure the preservation of the stability of natural systems, the long-term sustainable development of the economy, the stabilization of the atmospheric radiation balance, the implementation of scientifically grounded adaptation measures, the development of decarbonization in the energy, industrial, and transport sectors, as well as the improvement of systems for monitoring, modeling, and forecasting climate processes.

Scientific novelty of the dissertation research. The scientific novelty of the dissertation research is confirmed by the fact that it represents a comprehensive

study conducted in the state language, aimed for the first time at developing theoretical and practical proposals and conclusions to improve national legislation and practice in the field of climate protection.

For the first time, the dissertation investigates the ecological and legal significance and content of climate for the legal system of the Republic of Kazakhstan, and analyzes its legal principles. The main objective of this direction is explained by the attempt to define climate as a legal category. As a result, theoretical conclusions and findings were formulated that contribute to the development of domestic climate law.

Based on the analysis of the formation and development of Kazakhstan's legislation in the field of climate protection, as well as the study of legal mechanisms and problems of implementing international climate obligations into national legislation, the specific features of Kazakhstan's legislation in this area were identified, and forecasts of its future development were made. In the section on state legal mechanisms of climate protection, ways to improve the institutional structure of state administration in this area were proposed. An analysis of the activities of the authorized state body was carried out, and new mechanisms for its optimization were suggested. The novelty of the section on legal regulation of climate protection under the conditions of digital transformation in the Republic of Kazakhstan, as well as the comparative analysis of foreign legislation and practice, lies in the proposal of concrete mechanisms for improving national legislation in the field of climate protection.

Theoretical significance of the dissertation research lies in the development of scientific approaches to the legal regulation of climate protection as an important area of environmental law. The study clarifies the concepts, roles, and content of state legal mechanisms for climate protection and describes contemporary global trends in ensuring climate protection. Therefore, the proposed research contributes to the development of domestic environmental law by improving climate-related norms.

Practical significance of the dissertation research The conclusions, provisions, and recommendations obtained during the research can be applied in the activities of state bodies and organizations in the field of environmental protection. In addition, they are proposed for use in improving environmental protection legislation, as well as in the work of legislative and law enforcement bodies when adopting strategic acts in the field of climate protection.

Approbation of the research results. The dissertation research was carried out and discussed at the Department of Legal Disciplines of Zhetysu University named after I. Zhansugurov. The main results and scholarly propositions of the dissertation research are reflected in 4 academic publications. Of these, 3 articles were published in scientific journals recommended by the authorized body; 1 article was published in a journal indexed in the Scopus database.

Structure and length of the dissertation. The dissertation consists of an introduction, three sections, a conclusion, a list of references, and an appendix.