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**Relevance of reforming water legislation under current conditions
of Kazakhstan's development**

K.U. Orazaliev¹, T.K. Nurekeshov*², A.M. Rakhymbekova³

¹L.N. Gumilyov Eurasian National University, Astana, Kazakhstan

²Educational institution «Alikhan Bokeikhan University», Semey, Kazakhstan

³«Turan-Astana» University, Astana, Kazakhstan

(e-mail: ¹orazali.kair2020@yandex.kz, ²talapgz@bk.ru, ³aigul-545980@mail.ru)

Abstract: The scientific article presents a review of the country's current legislation regulating water resources management activities, assesses the current situation, and discusses the relevance of reforming water legislation at the current stage of Kazakhstan's development. The authors of the article suggest that new approaches are required to address the issues of legal regulation of relations in the field of water resources use and protection. This necessity is connected, first of all, with the growth of threats coming from new challenges under conditions of ecological and economic problems in the country.

The purpose of the scientific article is to review the current legislation of the country regulating water resources management activities, assess the current situation, and analyze the actions and opportunities for reforming water legislation at the current stage of Kazakhstan's development.

With the establishment of the new ministry, normative documents necessary for the sector were developed, projects to increase water resources began to be implemented, and measures were taken to develop international cooperation. However, according to the authors, the possibilities of the current legislation, both at the national level and at the level of interstate contractual-legal relations, do not fully take into account the emerging new challenges, so they require further improvement.

The authors conclude that the adoption of a new code regulating the industry, revision of strategic documents and new approaches of the state policy in the development of the industry are a necessity and relevant for today.

Key words: water resources, water legislation, water use, water conservation, water code, water management, climate change, transboundary waters.

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Introduction

Water is a strategic resource for human life and health, which has a direct impact on the environment. Therefore, the study of water law improvement issues that define the legal regime of water resources has been relevant at all times.

Today, there is a need for new approaches to the legal regulation of water resource management and conservation. This need is related, in the first place, to the growing threat posed by new challenges in the context of environmental and economic problems arising in the state.

In recent years, water legislation has been changing regarding regulatory impact on the introduction of supervision in the field of water preservation and use. With the creation of a new ministry, the necessary regulatory documents for the industry have been developed, projects to increase water resources have been launched, and the necessary measures to develop international cooperation are being taken.

Kazakhstan has recognized the threat of water scarcity at the state level. In response to global criticism, the country plans to transition to a model of «green economy», the implementation of which is proposed through the implementation of the current Concept for the transition to «green economy» [1]. The national regulatory system for water resources management and protection, including transboundary waters, is subject to the principles and norms of international law. It is important to note that international treaties ratified in the state have priority over national norms.

In general, the water legislation of the Republic of Kazakhstan is theoretically little studied. This can be explained by the important role of industry in the life of the state and society. However, we believe that the current legal framework still needs to be further explored to reform the industry.

Among the Kazakh scientists who developed the system and main institutions of Kazakh water law: B.J. Abdraimov, M.A. Alenova, A.T. Ashyulova, C.B. Baisalova, Bekhorganova A.E., D.L. Kozzeldinova, C.S. Bekisheva, O.A. Avil, K. Domsyet, S.Sh. Duvsuva, A.E. Kosyanov, L.K. Erkinbayev, J. Yelubaeva, M.K. Zhousupbekova, L.V. Ilyashenko, S.T. Tsozelieva, J.H. Kossanova, G.K. Kopbasarov, K. Kudykov, A. Mukasheva, B. Mukhtidzidyova, E.C. Rakhmetov, A. Stamlyova, S. Menmenoleov, F.M. Tupalpanova, A. Toyew, A.H. Khewa, K.A. Khajiev, and S.D. Shaibekova/ These can be attributed to Shaltakbayeva and others. Legal scholars have made a major contribution to the study of the laws of the water law system and water legislation.

The aim of the scientific article is to review the current legislation of the country regulating activities on water resources management, assessment of the current situation, and analysis of actions and possibilities of reforming the water legislation in the modern stage of development of Kazakhstan.

Materials and methods of research

The study used an analytical method of information and scientific sources. At the current stage of development of Kazakhstan, a review of scientific works by domestic and foreign authors on the topic of relevance of water law reform was carried out, the study of legislation was carried out using theoretical and systematic analysis methods.

The Water Code of the Republic of Kazakhstan, the draft new Water Code, the concept for development of the water resources management system of the Republic of Kazakhstan for 2024-2030 years, the concept for transition of the Republic of Kazakhstan to a «green economy» were used as materials for the article preparation, international and foreign national legislation regulating the activities of the industry, results of their examination.

Results

At the beginning of the two thousand, it became known that the reform of the system of public administration in the country, as well as the change in the social and economic situation, led to serious contradictions in the system of water resources management of the Republic of Kazakhstan. This created the conditions for the drafting of a new version of the Water Code [2], adopted on 9 July 2003. This is the current legislative framework for water management. The Water Code forms the institutional, economic, and social foundations of the relationships that arise in the management and use of water resources.

However, in recent years, domestic water legislation has undergone a lot of changes. Speaking at the extended government meeting on February 8, 2022, the head of state, K. Tokaev, instructed the development of new legislation considering current climate changes. This assignment served as the basis for the development of a new draft Water Code.

All this is related to the need for a new approach to water management. Kazakhstan has recognized the threat of water scarcity at the state level. The ineffective regulation of social relations around water scarcity and water use has led to the bankruptcy of many peasant farms, which has increased the threat of economic crisis. The Republic of Kazakhstan has approached the low-risk stage in all the most important environmental parameters, especially the ecological state of water resources.

From this perspective, the adoption of a new code regulating the industry, the revision of strategic documents, and a new turn of state policy in the development of the industry are relevant. The goal of the new code is not only to ensure sustainable development of the domestic economy, but also to achieve a safe level of water management that will improve the living conditions of citizens and protect the environment. It is well known that the current code views water as a means of achieving economic gain.

Discussion

The inefficiency of the legal regulation of public relations in water scarcity and water use has led to the bankruptcy of many agricultural farms, which has exacerbated the threat of economic crisis. The Republic of Kazakhstan has approached a critical stage in all important environmental parameters, especially in the ecological state of water resources. The severe condition of the Amudarya and Syrdarya rivers, which caused an ecological disaster in the Aral Sea, is a striking example. The Caspian Sea has also become heavily silted and over-polluted in recent years because of dumping from the oil industry. As a result, there has been an increase in the number of Caspian seals killed, a reduction in sturgeon numbers, and a large amount of oil waste on the sea surface, which has a harmful effect on marine life. It is also known that due to the reduction of water withdrawals, pollution by industrial and agricultural waste,

the environmental situation on Lake Balkhash has deteriorated significantly, and once it was considered one of the cleanest lakes in the world [3].

The stability of individual water management basins and social, ecological and economic systems of the unified water management system of Kazakhstan as a whole, according to experts, can be achieved only if they function within the framework of regulations set for each water basin and the unified water management system of Kazakhstan as a whole [4].

The legislative and legal regulation of water rights in the Republic of Kazakhstan is a complex activity from an organizational point of view, as well as a multi-structured system. The legislator states that water users throughout their existence remain subjects of water relations and are considered users of water resources. The basis and basis of legal regulation of water relations is water legislation in the form of a set of generally binding normative legal acts. Today, water legislation is undergoing changes in the regulatory impact of introducing supervision in the field of conservation and use of water resources. With the creation of a new ministry, the necessary regulatory documents for the industry have been developed, projects to increase water resources have been launched and agreements necessary for the development of international cooperation have been reached.

The Water Management System Development Concept 2024-2030 has been adopted [8]. According to the Authority, implementation of this document should increase the volume of water and allow it to be used economically.

The Integrated Water Management Plan 2024-2030 has also been developed. It should also increase the country's water resources and reduce irrigation losses. According to the minister responsible for the industry, the document is designed considering the current situation in the industry and the best international experience.

Negotiations on water security are also actively underway with the border states. Some agreements have been reached.

The draft of a new Water Code, which aims at conserving water resources, introducing a scientific approach to water legislation, is being discussed. According to the representative of the relevant ministry, Bolat Bekniyazov, who presented the draft new Code to deputies, "The rules of the new Water Code are systematized and declared, duplicate rules are excluded. Its principles and objectives are aligned with their implementation mechanisms. In addition, the issues of safety, irrigation and drainage, drinking water, and water supply were separated into separate sections» [5].

The new Water Code places great importance on saving water. For example, consumers are required to take measures to manage water resources, implement water-saving technologies and reuse systems, and prevent the misuse of groundwater. Organizations that do not have water reuse systems are required to plan for the transition to such systems. In agriculture and industry, government support is provided in the form of subsidies and reduced tariffs for water supply services, depending on the degree of implementation of water-saving technologies.

There are demands for improving the quality of drinking water. The method should be epidemiologically, radiation and chemically safe. Water composition requirements, types and timing of analysis will be determined in accordance with the legislation of the Republic of Kazakhstan in the field of health.

There is also a separate article on the adaptation of the state water industry to climate change. Proposed actions include development of an adaptation strategy, involvement of all

stakeholders, including the private sector and civil society, application of new technologies, efficient use of water in agriculture, Introduction of cost-effective methods for crop irrigation, and drought planting

There is also a separate article on the adaptation of the state water industry to climate change. Proposed actions include development of an adaptation strategy, involvement of all stakeholders, including the private sector and civil society, application of new technologies, efficient use of water in agriculture, Introduction of cost-effective methods for crop irrigation and drought-resistant crops, new infrastructure development, modernization, and much more.

Another, in our opinion, important step - now will be paid great attention to the public control in the field of conservation and use of water resources. The new Water Code contains provisions under which non-profit organizations can obtain accreditation from the ministry to carry out public control. To do so, organizations that intend to engage in such activities should only provide a copy of their charter and application, which will be considered within five working days from the date of submission of the application.

These and other provisions, in the view of those who are presenting the bill, should help the competent authorities to carry out their duties effectively. The reform is based on the formulation and development of a national water conservation policy, public involvement in water conservation and management, irrigation development and other important objectives.

And as for the current situation, legal scholars studying this industry always raise questions about the current water legislation. According to A. A. Mukasheva, in the current water legislation of the Republic of Kazakhstan, along with many regulatory and legal acts there are serious issues regarding the use, protection and restoration of water bodies, adequate provision of drinking water to the population, legal mechanism for distribution, redistribution and consolidation of competences of state bodies [6].

L.M.Mahmetova, in her study on the legal issues of water use and protection in the country, noted that the problem of protecting water from pollution, fouling and depletion is very urgent. The author identified a problem with existing national legislation the fact that no legislation provides for a type of state expert activity affecting the status of the water body. Referring to the need to give importance to this question, the author raised this issue in 2008, but the problem remains relevant today.

In addition, special attention is paid to the issue of ensuring the water security of the state as a whole and the need for certain decisions. In this context, we can rely on the opinion of the domestic scientist D.L. Baibeldinov. According to the scientist, «issues of ensuring water safety of the Republic of Kazakhstan need in-depth scientific research, including a high need for comprehensive legal decisions». The need for scientific research on water security was due to several factors:

- the need to develop an explanatory apparatus of water safety, considering market requirements.
- the need to move towards a new method of water management, including mandatory, dispositive properties, means of economic characteristics, different from the opposite command-and-administrative methods of social phenomena.
- the existence of contradictions in the current water legislation of the Republic of Kazakhstan [7].

According to scientists from another field, climate change in the future will also affect water security in Kazakhstan, and when reforming legislation, this situation should not be overlooked. Climate change is certainly less dangerous than countries' overconsumption of land and water.

Climate change is certainly less dangerous than countries' overconsumption of land and water. Global warming, however, will also increase the region's vulnerability to water supply problems and may contribute to the spread of water-borne infections. Central Asia is considered a vulnerable region due to its geographical location and heavy dependence on agriculture. More than 90% of the total water used in the region is for irrigation, and most of this water comes from large rivers. For the region, crop irrigation is of strategic economic importance; agriculture accounts for one-third of the GDP in the states and provides more than two-thirds of employment. In addition, it is necessary to take into account that water consumption increases with population growth to meet the food and energy needs[8]. All these factors, in turn, can lead to complicated relations between the Central Asian states. Therefore, the improvement of water infrastructure is a necessity and a basis for sustainable development in Central Asian countries. This provides access to drinking water, supports food and energy security, promotes economic growth and helps mitigate the effects of climate change. By strengthening the legal and institutional framework for the use, maintenance and development of water infrastructure, states are enabled to develop their economies.

In another study, the authors noted that some Central Asian countries' legislation is outdated and needs updating. This is especially the case in Uzbekistan, where there is still no separate codified document in the form of a Water Code. In other states, national legislation has changed and this obviously has a positive effect on the quality of legal regulation of water relations. However, this level is not enough; it can be improved by adopting modern methods. The authors propose to change the procedures for public tenders, as well as the financing of activities related to the use or protection of water resources.

In the system of international legal instruments governing transboundary water relations, agreements between governments are of great importance. The country is a party to several regional contracts [9].

Furthermore, the question of what good practices could be used by foreign lead states in reforming their water rights is now frequently raised. In this context, the European Union Directives establishing effective means of regulating water relations and reparations for water bodies appear to be up-to-date and require careful study. The US legislation is also considered one of the leading in the world.

In recent years, the «right of citizens to water» has been strengthened in Europe, a question that was initially raised as an initiative of European citizens and then became de facto human rights. However, water law is not perfect and dynamic because we are facing a serious problem today: on the one hand, access to clean and affordable water is a necessity for ensuring human quality of life. On the other hand, water is becoming an increasingly limited resource, so that unrestricted access to it increases the risk of its scarcity and pollution.

In any case, we expect this trend to continue, and the importance of this issue will increase in the future for both Kazakhstan and Central Asian countries.

Another feature of the management and use of water resources abroad is the existence of a separate clean water law in the United States. The purpose of such personal documents is to achieve clean water and provide the population with safe drinking water. The Clean Water Act (US) of 1972 is an example. The law aims at restoring and preserving the chemical, physical and biological composition of waters in the territory of the state.

Conclusion

The modern legal and regulatory framework in the field of water resources management of the Republic of Kazakhstan has been formed considering national interests and development goals, as well as using world experience and law enforcement practice. Based on national interests and legal framework, the Republic of Kazakhstan is actively involved in solving issues in the field of use and protection of transboundary water resources. The current legal framework has ample scope for achieving the common objectives of water management and protection. However, as time shows, the possibilities of domestic legislation, both at the national level and at the level of international treaty-law relations, do not consider new challenges that arise, and therefore require further improvement.

The country's water legislation has been undergoing dynamic changes in recent years. With the creation of a new ministry, normative documents necessary for the development of the industry were developed, projects to increase water resources were started, and necessary measures to develop international cooperation were taken. All this is related to the need for a new approach to water management today.

In this context, a draft of the new Water Code is being discussed, aimed at conserving water resources and introducing a scientific approach to water legislation. The results of the analysis showed that in the new version of the Code, great attention is paid to saving water resources, improving drinking water quality, and public control in the field of protection and use of water resources.

To solve the above issues, we consider it urgent to adopt a new code regulating the industry, revise strategic documents, and change state policy in the development of the industry as a whole. The current water legislation, together with a large number of regulatory acts, should address issues relating to the use, protection, and restoration of national water bodies, adequate supply of drinking water, regulating legal mechanisms of distribution, redistribution and consolidation of competences of state bodies. Besides the above, the issue of ensuring water security of the state in general requires special attention, and in this regard, Kazakhstan will have to work closely with neighboring states of the region and take bold decisions in common interest.

Authors' contribution

The contribution of authors in writing a scientific article is equivalent. All authors have had a general discussion of the last version of the article submitted for publication, and they agree.

The contribution of authors in the writing process is specified as follows:

Orazaliev K.U. – collection and analysis of the results of work. Significant contribution to the development of the concept and design of the work.

Nurekeshov T.K. – analysis of the work results and development of proposals, approval of the final version of the article for publication.

Rakhymbekova A.M. – critical revision of the text writing and its content. Collection and analysis of necessary data. Responsible for all aspects of the work, including work done on the reliability of data or the integrity of all parts of the article.

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К.У. Оразалиев¹, Т.К. Нурекешов², А.М. Рахымбекова³

¹Л.Н. Гумилев атындағы Евразия ұлттық университеті, Астана, Қазақстан

²«Alikhan Bukeikhan University» білім беру мекемесі, Семей, Қазақстан

³«Тұран-Астана» университеті, Астана, Қазақстан

Қазақстанның қазіргі даму жағдайында су заңнамасын реформалаудың өзектілігі

Аңдатпа: Ғылыми мақалада еліміздің қолданыстағы су ресурстарын басқару қызметін реттейтін заңнамасына шолу жасалынып, қалыптасқан жағдайға баға берілген, Қазақстанның қазіргі даму кезеңіндегі су заңнамасын реформалаудың өзектілігі талқыланады. Мақала авторларының пікірінше бүгінгі таңда су ресурстарын пайдалану және қорғау саласындағы қатынастарды құқықтық реттеудегі мәселелерді шешуде жаңа көзқарастардың қажеттілігі байқалады. Мұндай қажеттілік бірінші кезекте мемлекетте туындап отырған экологиялық және экономикалық мәселелер жағдайындағы жаңа сын-қатерлерден келетін қауіптің артуымен байланысты.

Ғылыми мақалада қойылып отырған мақсат еліміздің қолданыстағы су ресурстарын басқару қызметін реттейтін заңнамасына шолу жасау, қалыптасқан жағдайға баға беру, сонымен қатар Қазақстанның қазіргі даму кезеңінде су заңнамасын реформалау әрекеттері мен мүмкіндіктеріне талдау жасау болып табылады.

Жаңа министрліктің құрылуымен сала үшін қажетті нормативтік құжаттар әзірленіп, су ресурстарын ұлғайту бойынша жобалар іске асырыла бастады, халықаралық ынтымақтастықты дамытуға қажет шаралар қолға алынған. Алайда, авторлардың ойынша ұлттық деңгейде де, мемлекетаралық шарттық-құқықтық қатынастар деңгейінде де қолданыстағы заңнаманың мүмкіндіктері туындап отырған жаңа сын-қатерлерді толық ескере бермейді, сол себепті одан әрі жетілдіруді қажет етеді.

Авторлар саланы реттейтін жаңа кодекстің қабылдануы, стратегиялық құжаттардың қайта қаралуы және саланы дамытудағы мемлекеттік саясаттың жаңа бетбұрысы бүгінгі күннің қажеттілігі және өзекті деген түйінге келеді.

Түйін сөздер: су ресурстары, су заңнамасы, суды пайдалану, суды үнемдеу, су кодексі, су ресурстарын басқару, климаттың өзгеруі, трансшекаралық сулар.

К.У. Оразалиев¹, Т.К. Нурекешов², А.М. Рахымбекова³

¹*Евразийский национальный университет имени Л.Н. Гумилева, Астана, Казахстан*

²*Учреждение образования «Alikhan Bokeikhan University», Семей, Казахстан*

³*Университет «Туран-Астана», Астана, Казахстан*

Актуальность реформирования водного законодательства в современных условиях развития Казахстана

Аннотация: В научной статье представлен обзор действующего законодательства страны, регулирующий деятельность по управлению водными ресурсами, дана оценка сложившейся ситуации, обсуждена актуальность реформирования водного законодательства на современном этапе развития Казахстана. По мнению авторов статьи, на сегодняшний день наблюдается необходимость новых подходов в решении вопросов правового регулирования отношений в области использования и охраны водных ресурсов. Такая необходимость связана, в первую очередь, с ростом угрозы, исходящей от новых вызовов в условиях экологических и экономических проблем в стране.

Целью научной статьи является обзор действующего законодательства страны, регулирующего деятельность по управлению водными ресурсами, оценка сложившейся ситуации, а также анализ действий и возможностей реформирования водного законодательства на современном этапе развития Казахстана.

С созданием нового министерства были разработаны необходимые для отрасли нормативные документы, начали реализовываться проекты по увеличению водных ресурсов, приняты меры по развитию международного сотрудничества. Однако, по мнению авторов, возможности действующего законодательства как на национальном уровне, так и на уровне межгосударственных договорно-правовых отношений не полностью учитывают возникающие новые вызовы, поэтому требуют дальнейшего совершенствования.

Авторы приходят к выводу, что принятие нового кодекса, регулирующего отрасль, пересмотр стратегических документов и новые подходы государственной политики в развитии отрасли является необходимостью и актуальны на сегодняшний день.

Ключевые слова: водные ресурсы, водное законодательство, водопользование, экономия воды, водный кодекс, управление водными ресурсами, изменение климата, трансграничные воды.

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Information about the authors:

Orazaliev K. – doctoral student, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010008, Astana, Kazakhstan

Nurekeshov T. – corresponding author, PhD, senior lecturer, Department of «Civil Law Disciplines», educational institution «Alikhan Bukeikhan University», Str. Mangilik el, 11, 071400, Semey, Kazakhstan

Rakhymbekova A. – Master of Law, senior lecturer, Department of «National and International Law», «Turan-Astana» University, 29a Y. Dukenuly str., 010000, Astana, Kazakhstan

Оразалиев К.У. – докторант, Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Сәтпаев көшесі, 2, 010008, Астана, Қазақстан

Нурекешов Т.К. – хат-хабар авторы, PhD, «Alikhan Bokeikhan University» білім беру мекемесі, «Азаматтық-құқықтық пәндер» кафедрасының аға оқытушысы, Мәңгілік ел көшесі, 11, 071400, Семей, Қазақстан

Рахымбекова А.М. – құқықмагистрі, «Тұран-Астана» университеті, «Ұлттық және халықаралық құқық» кафедрасының аға оқытушысы, Ы. Дүкенұлы көшесі, 29 а, 010000, Астана, Қазақстан

Оразалиев К.У. – докторант, Евразийский национальный университет им. Л.Н. Гумилева, ул. Сатпаева, 2, 010008, Астана, Казахстан

Нурекешов Т.К. – автор для корреспонденции, PhD, старший преподаватель кафедры «Гражданско-правовых дисциплин», учреждение образования «Alikhan Bokeikhan University», ул. Мәңгілік ел, 11, 071400, Семей, Казахстан

Рахымбекова А.М. – магистр права, старший преподаватель кафедры «Национального и международного права», Университет «Туран-Астана», ул. Ы. Дукенулы 29 а, 010000, Астана, Казахстан



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