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Scientific article

**Comparative analysis of constitutional rights and their implementation
in Kazakhstan and other CIS countries: problems and prospects**

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Abstract: The research examines constitutional rights protections within eight CIS: Russia, Kazakhstan, Ukraine, Belarus, Moldova, Tajikistan, Armenia, and Kyrgyzstan. The research aims to examine dissimilarities and similarities in legal implementation while identifying rights promotion and barrier factors to produce international standard-compliant execution recommendations. The research utilizes an interdisciplinary approach combining comparative legal, normative historical and legal methods with content-based evaluations of legislative documents, constitutional provisions and judicial decisions and expert evaluations.

Research findings indicate that Ukraine and Moldova actively use individual constitutional complaint mechanisms as the Constitutional Courts show considerable independence. Belarus and Tajikistan struggle to protect rights because their judicial systems answer to the executive branch. Kazakhstan and Russia are characterized by strong executive power and a focus on maintaining stability, accompanied by restrictions on certain civil liberties. Armenia and Kyrgyzstan work to achieve democratization through their institutions although they face both institutional and political instability.

The research presents recommendations which aim to enhance judicial protection of rights and to integrate international norms into national laws as well as to promote independence in constitutional supervision. The research outcomes present practical value by enabling their application for legal institution reform and human rights program development throughout the post-Soviet region.

Keywords: constitutional protections; CIS states; analytical comparison; legislation; post-Soviet countries.

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Introduction

Comparative constitutional law is a great framework that can be used to study various aspects of choice of the regulation of constitutional rights and their realization in a number of countries including those of the Commonwealth of Independent States (CIS). Of these, the most fundamental are the rights which form the basis of legal systems in place, being the reflection of each state's vital concerns regarding human rights and freedoms. However, the realisation of these rights faces many challenges making this topic relevant from theoretical and empirical perspectives.

The importance of this topic derives from the complexity of legal evolution in the countries of the post-Soviet period, which combines Soviet legal traditions and modern Reforms. The necessity to orient national legislation to CIS legislation is still important for several CIS countries like Russia, Kazakhstan, Ukraine and Belarus. However, issues related to the judicial self-government, recognition of international law and protection of social and political rights are still problematic, therefore they require further research. Therefore, the lack of studies providing comparisons of all eight CIS countries' constitutional systems is a compelling reason for this research.

The research is aimed at identifying constitutional rights and their protection in the CIS countries; the key aspects and prospects for the implementation of the rights in Russia, Kazakhstan, Ukraine, Belarus, Moldova, Tajikistan, Armenia, and Kyrgyzstan are explored. The main research aim focuses on identifying similarities and differences concerning the legal protection of constitutional rights in these countries as well as analysing the concerns and opportunities about the implementation of the legal frameworks. Key research tasks include:

- Comparative analysis, normative approaches and historical-legal analysis form the overall research methodology of this study.
- Literature review and documents analysis let not only consider scholarly works of domestic and foreign researchers, as well as legislative acts and the application of constitutional norms in practice.

The analysis of constitutional rights for CIS countries relies on numerous source types of academic production. Stephen Gardbaum explores the subject of the horizontal application of constitutional rights with focus on relationships within and between individuals and legal entities [1]. This aspect is especially important for CIS countries as the development of this area is required in these countries. Sam Issacharoff explores the role of constitutional courts in the transforming democracies, and how they serve as ensure rights and establish law [2]. These findings would be of particular interest for the analysis of CIS countries, where judicial independence is still limited. Kalandarishvili and Panfilov reveal the features of the Soviet constitutional culture influencing the modern legal systems of the CIS, including centralized management and the formalism of constitutional [3].

The work of Nastaevich and Saniyazdanovich analyzing the role of the Constitutional Council in the protection of human rights is significant for Kazakhstan [4]. In Moldova, Alexandru Tănase highlights the importance of individual complaints to the Constitutional Court for strengthening democracy [5]. Edgar Avetisyan emphasizes the role of Armenia's legislative framework for ensuring freedom of information [6]. In Tajikistan, Elnazarov and Jamshedov note restrictions on the exercise of rights in an authoritarian system [7]. Thus, the literature review highlights the

rich research base, but identifies gaps in comprehensive comparative analyses of constitutional rights in all CIS countries. The present work seeks to fill this gap.

Materials and Methods

This research scrutinizes the constitutional frameworks of Commonwealth of Independent States (CIS) countries: Belarus, Kazakhstan, Armenia, Kyrgyzstan, Moldova, Tajikistan, Russia, and Ukraine, relying on constitutional texts, human rights legislation, and both domestic and international scholarly research. It incorporates over twenty academic articles on constitutional law, international standards, and human rights implementation in post-Soviet nations. The analysis is both qualitative and quantitative, utilizing constitutional texts, legislative acts, and academic literature to ensure reliable findings.

The research employs various complementary methods. Comparative analysis of the constitutional systems of the eight countries highlights common issues and unique traits. Historical and legal methods elucidate the Soviet legacy's impact on modern legal systems. The normative method examines constitutional texts, legislative acts, and international agreements to understand the integration of international law into national systems. Case studies detail the practical implementation of rights in each country. Initial content analysis of scientific literature, regulatory documents, and court decisions identifies main problems and trends.

The study progresses through several stages: data collection and primary processing of constitutions, scientific articles, and international documents; historical analysis to assess the Soviet legal system's formation and its influence on post-Soviet legal traditions; comparative analysis of rights protection systems in eight CIS countries; examination of issues like judicial politicization, civil liberties restrictions, and law enforcement practices; and final recommendations for legal regulation improvements, including harmonizing national legislation with international standards, enhancing justice access, and strengthening judicial independence through digital technologies.

This study's originality lies in its integrated analysis of the legal systems of eight CIS countries, providing a comprehensive regional overview rather than focusing on individual country specifics. This approach highlights common post-Soviet problems while ensuring relevance and practical value through extensive material use, including user-contributed articles. The study aims to fill literature gaps, support further research, and offer practical recommendations for improving CIS legal systems.

Results and Discussion

The examination of constitutional rights globally, particularly in Commonwealth of Independent States (CIS) countries, reveals how these rights are regulated and implemented. This analysis helps determine the foundational aspects responsible for constructing constitutional rights and promotes understanding of legal system differences and similarities. Such an approach is crucial for evaluating contemporary issues and future advancements in human rights protection in the region. The Soviet legal tradition's influence on CIS constitutional frameworks is evident, with each country exhibiting unique features. For instance, Kazakhstan and Russia prioritize social stability and security, whereas Ukraine and Moldova focus on international standards and judicial system development [1].

National priorities significantly influence the scope of constitutional rights in CIS countries. Russia and Kazakhstan restrict rights for national security, while Ukraine and Moldova emphasize equality and protection of vulnerable groups. These differences highlight how constitutional rights affect both government actions and private legal relationships, similar to the situations in Canada and Germany [8].

Constitutions recognize the confidential sources underpinning rights realization. Constitutional courts in CIS countries play a critical role in upholding constitutional supremacy and human rights protection. Ukraine's Constitutional Court fosters democratic institutions in response to citizens' complaints, whereas judicial independence is limited in Belarus and Tajikistan, hindering effective rights protection [9].

National variations in rights realization are evident; Russia and Kazakhstan limit freedoms of speech and assembly to maintain public order, whereas Ukraine strongly protects such rights, bolstering civil society [10]. Analysis reveals significant implementation risks, especially in politically and economically unstable countries. In Tajikistan and Kyrgyzstan, inadequate judicial infrastructure and funding restrict access to justice. Economic challenges in Russia and Kazakhstan complicate the realization of social rights, including education and healthcare access [11].

The comparative analysis of CIS countries' legal systems highlights the necessity for harmonizing national legislation with international standards, enhancing judicial independence, and exchanging experiences among states. These actions aim to improve human rights protection, regulate legal systems to address modern challenges, and strengthen governing bodies [12]. The foundational principles derive from Soviet constitutional law, developed under a strict ideological regime, forming the basis for legal regulation in post-Soviet states. Although these countries seek democratization and international standards, Soviet traditions persist, characterized by strong executive power, limited political rights, and formal constitutional provisions.

The Soviet period lacked a historical or legal basis for developing constitutional rights, following a centralized approach favoring state interests over individual rights. This legacy causes significant challenges in CIS countries' legal regulation improvements. Understanding Soviet legal traditions helps identify obstacles to fully realizing constitutional rights today.

Soviet constitutional law (1918-1991) was ideologically driven, oriented towards past and authoritarian state needs. The Soviet Union's Constitution emphasized ideological and political priorities, shaping the legal culture of post-Soviet states. These features significantly impacted the USSR's legal regulation and the modern constitutional systems of post-Soviet countries.

Soviet constitutional and legal systems were retrospective, documenting stages of socialist development rather than future strategies. For example, the 1936 USSR Constitution marked the elimination of exploiting classes and establishment of socialist foundations [13]. Constitutions served as instruments of ideological legitimization for party programs and state-building successes, symbolizing achieved stages of state-building.

Soviet constitutions were characterized by adherence to Marxist-Leninist ideology, affirming Communist Party leadership and a centralized political system. They mirrored the Union constitution [3] and ensured unified legal regulation, creating an impression of federalism while centralizing power. The rights and freedoms declared were largely unimplemented; the 1936 Constitution proclaimed civil rights that remained nominal, viewed through state

interests rather than individual freedoms [14]. Such constitutional rights, including free speech, assembly, and religion, were controlled by the state and Party.

The transition to a pragmatic Soviet government marked an important development stage. Initially, the concept of the dictatorship of the proletariat suggested the state's gradual withering. However, by the 1930s, this concept evolved into a centralized administrative system, justified by the need to combat class enemies and accelerate economic modernization [13]. This shift increased bureaucratization and suppressed regional elites, centralizing power further. The 1936 Constitution, proclaiming democratic principles and social rights, was essentially declarative as the Communist Party retained unbounded power and there was no real division of powers [3].

Post-Soviet states inherited strong executive power, limited legislative and judicial roles, and formal rights, complicating their transition to democratic systems based on human rights and rule of law. The Soviet-era totalitarian legacy hampers democratic reforms. Constitutions of CIS countries, including Kazakhstan, guarantee rights and freedoms with protective mechanisms. Kazakhstan's 1993 Constitution prioritizes human rights to build a democratic society with equal rights for all, regardless of nationality, race, gender, or social status. It includes rights such as freedom of movement, political participation, property ownership, employment, housing, healthcare, education, social security, and environmental protection, ensuring individual dignity.

Special provisions protect family, motherhood, fatherhood, childhood, and privacy. Kazakhstan's Constitution ensures citizens' rights through monitoring laws for constitutional alignment [15], enhancing public administration, human rights, and rule of law [4]. Influenced by national priorities and democratic development, Kazakhstan and other CIS countries' legal systems exhibit changes within the Soviet heritage. All constitutions emphasize social protection and human rights guarantees, but their implementation faces limitations due to political, economic, and institutional issues. These systems require analysis of practical problems like judicial independence and rights protection. Comparing freedom of speech, political and social rights, and international standards in the constitutional rights of eight CIS countries reveals common trends and unique regulatory features across the region.

Republic of Moldova

The main basis of constitutional rights in Moldova is the Constitution of 1994, which lays down the fundamental human rights and freedoms as the state's basic priority. Constitutional control is the Constitutional Court itself given constitutional control, allowing the citizens to have their rights protected against a species of democratic legal framework. Moldova supports International Standards and among these the European Convention for the Protection of Human Rights and Fundamental Freedoms. Articles 16 and 134 of the Constitution are important in preserving the citizens' rights and state's obligations. Article 47 sets out a decent living standard as a fundamental right [16]. These constitutional rights are strong but inaccessible because the implementation system for rights is not strong. Therefore, the right to protection of rights needs to be improved, primarily by widening the role of the Ombudsman [17].

The Republic of Tajikistan

The practical implementation of basic human rights and freedom is also limited in Tajikistan's 1994 Constitution. The realization of the citizens' rights is impeded by the authoritarian political system. High courts including the Constitutional Court have a limited authority when it comes to citizens' rights [18]. It would be wrong to say that all the legal instrument prioritizes state interests, such as territorial integrity and political stability. Section XIII of Tajikistan's Criminal

Code explicitly exempts crimes against the constitutional system that preceded state security over the individual rights [7]. The legal system also has trouble upholding socio economic rights. Missing effective implementation mechanisms often leave constitutional guarantees all but theoretical [19].

The Republic of Armenia

The Constitution of Armenia is founded upon its Constitution and the individual is the highest value and extensive rights and freedoms are guaranteed. The 1995 Constitution with its many revisions in 2005 and 2015 places a strong emphasis on human rights protection, most particularly the rights to physical and mental integrity. Article 25 of the Armenian Constitution, which states that neither scientific nor medical experiments are allowed without a person's consent, emphasizes people's right of personal nonfreedom and bodily integrity [20]. Also making strides for freedom of speech and press, which are indispensable to a democratic state, is Armenia. Nevertheless, these constitutional protections have often been overcome by the media pressure and restrictions on critical journalism [21]. Enough is enough, and freedom of expression and access to information are greatly respected in Armenia within the framework of the law. Even with progressive laws, these rights are routinely challenged, especially when political unrest and social difficulties [6] are current.

The Kyrgyz Republic

The foundation of principles of the Kyrgyz Republic's Constitution are human rights and freedoms, established in 1993, modified in 2010 and 2021. The document focuses on the protection of people belonging to indigenous communities and preservation of national customs. Political instability and constant changes of government make it impossible to fully implement citizens rights [22]. Since then Kyrgyzstan has made strides in democratic reforms in particular in constitutional oversight mechanisms. However, according to international critics still restrictions on free speech and assembly are imposed for national security reasons [23]. Social rights, including employment and healthcare, are also guaranteed by the Constitution, but economic challenges prevent the execution of a good part of them. Youth policies and human resource development get top priority in education access.

The Republic of Ukraine

Last but not the least; the Ukrainian 1996 Constitution speaks of the country's dedication to democratic ideals and protection of human rights. Human rights and freedoms are declared as a state's highest priority [24]. If rights are to be important in Ukraine, then the Constitutional Court must be very important. The constitutional complaint is a mechanism which enables citizens to claim protection in legal terms for a right not explicitly incorporated into the Constitution but which is implied by its provisions. It reinforces the rule of law, the protection of natural rights [25]. Citizens' rights must be ensured by the judiciary. High level access to justice is given by the Supreme Court of Ukraine and the European Court of Human Rights. But political instability and economic troubles sometimes stand in the way of rights [26]. Human rights in Ukraine are controlled under national and international laws. The integration of the country into the European legal sphere validates the importance of the international standards, in particular European Convention for the Protection of Human Rights and Fundamental Freedoms [27].

The Republic of Belarus

Belarus is known for its strong state control and focus on maintaining stability. The Constitution, first adopted in 1994 and significantly revised in 2022, outlines citizens' fundamental rights

and freedoms. However, the authoritarian nature of state power often restricts the practical exercise of many rights [28]. The updated Constitution has modified principles related to democracy, power separation, and judicial independence. It emphasizes bolstering state sovereignty and reducing external influences, which somewhat alters the equilibrium between individual rights and state interests [29]. In Belarus, freedoms of expression, assembly, and association face significant constraints. The current human rights landscape is marked by rigorous media control, pressure on civil society, and limited access to justice. Nevertheless, the state actively safeguards social rights, including access to education and healthcare [30]. Environmental law in Belarus is evolving under the influence of the Aarhus Convention. While it aims to protect citizens' right to a favorable environment, the implementation of this right encounters administrative and institutional obstacles.

The Russian Federation

The Russian Federation's 1993 Constitution enshrines a broad spectrum of human and civil rights and freedoms, aligned with international standards. Article 2 of the Constitution recognizes human rights and freedoms as the highest value, making their observance a state obligation [31]. A key feature of Russian constitutional regulation is the principle of proportional restrictions. According to Article 55, rights may only be limited to the extent necessary to protect the constitutional order, health, morality, and the rights and freedoms of others [31]. Russia's Constitutional Court plays a crucial role in upholding constitutional supremacy and declaring unconstitutional acts that contradict the basic law. The court has developed positions on "unrestricted" rights, such as the right to life, personal dignity, and freedom from torture, which cannot be limited even during a state of emergency [32]. In practice, Russia faces challenges in realizing citizens' rights. International organizations often criticize restrictions on freedom of speech, assembly, and other political rights. However, social rights like free education and medical care are implemented at a relatively high level [33].

The Republic of Kazakhstan

The Republic of Kazakhstan demonstrates major advances in constitutional rights protection through its modernizing constitutional and administrative justice system. The Constitutional Court regained power through the 2022 constitutional reforms which now allows citizens to receive legal protection through regulations as well as court decisions. Administrative courts dedicated to public law matters contribute to forming substantive justice by hearing specific types of disputes at the same time. The institutions form a unified system to resolve human rights violations which establishes a human-oriented approach to the rule of law.

The Basic Law compliance of normative legal acts receives enhanced protection through the Constitutional Court's expanded powers within the institutional framework. The Constitutional Court received over 6,700 citizen appeals during 2023–2024 mostly regarding social welfare matters including labor rights housing protection and social services and information access [34]. The increased institutional dedication to the effect utile principle's practical implementation becomes evident through this trend which emphasizes meaningful constitutional rights protection rather than formal compliance.

Kazakhstan has established important mechanisms throughout the previous years to provide expanded constitutional justice access to its citizens. The 2023 reforms expanded direct constitutional review access to the Constitutional Court for the political institutions along with ordinary citizens and the Ombudsman and the Prosecutor General for rights-related

cases [35]. Kazakhstan adopted this system after the example of Armenia and Moldova. The introduction of constitutional complaint mechanisms remains theoretical since most initial 2023 applications faced procedural rejection and failed to meet requirements. Public legal education needs improvement together with streamlined procedures and legal aid systems to make these systems function effectively.

The 1995 Constitution of the Republic of Kazakhstan establishes the nation as a democratic state with legal and social foundations. The founding principles of the Constitution include protecting human rights alongside promoting social justice and political stability [15]. The Constitutional Council of Kazakhstan upholds these values by reviewing all enacted laws for compliance with the Constitution. The institution protects fundamental rights from legislative encroachments and reviews laws which impact social protection and equality [36].

The Constitution of Kazakhstan provides extensive social benefits to citizens but certain civil and political freedoms remain under restriction. International human rights organizations criticize national stability measures that restrict freedom of speech and assembly rights [37].

The institution has adopted a clear path toward modernizing its constitutional rights protection system. The success of these reforms depends on sustained legal policies that remove access barriers and procedural obstacles to constitutional justice for all citizens.

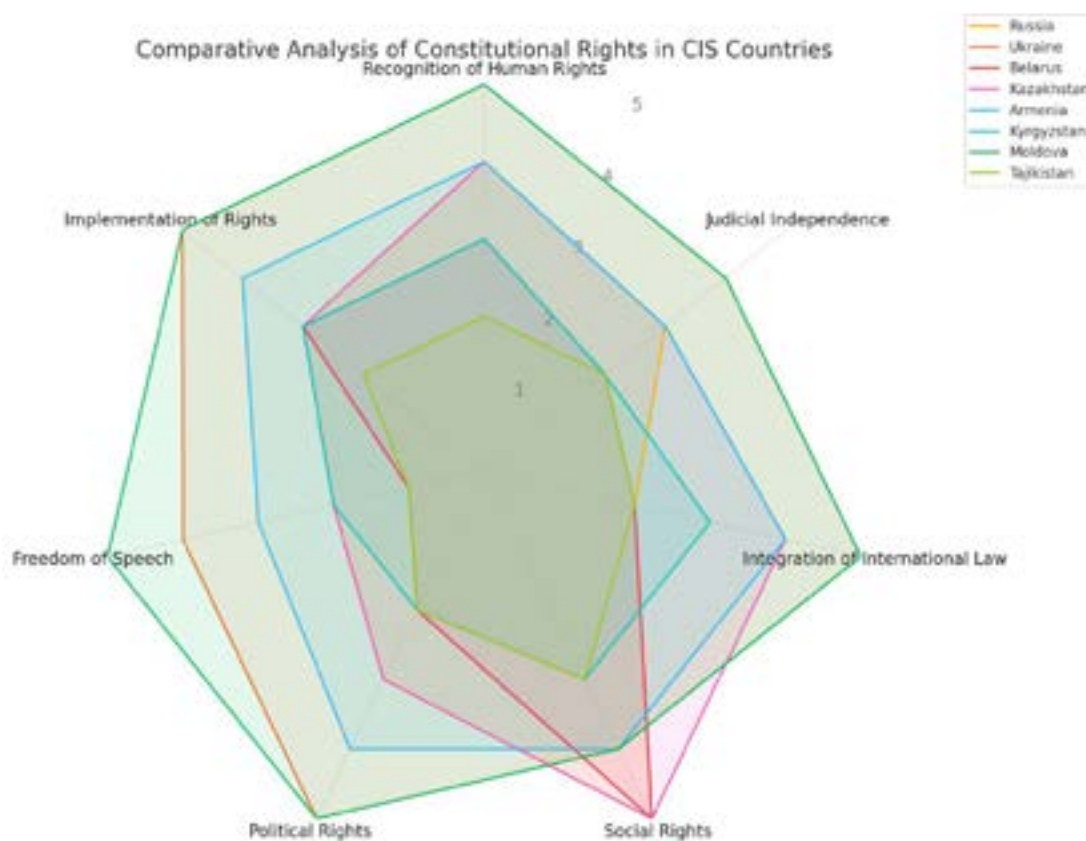
The human rights and freedoms protection systems among Russia, Ukraine, Belarus, Kazakhstan, Armenia, Kyrgyzstan, Moldova and Tajikistan differ from one another while sharing common characteristics. The following table shows essential features of these systems in comparison (Table 1).

Table 1. Comparative Evaluation of Constitutional Rights in CIS Countries

Aspect	Russia	Ukraine	Belarus	Kazakhstan	Armenia
Supreme value	Human rights and freedoms	Human rights and freedoms	State sovereignty	Social equality and stability	Human rights and freedoms
Role of the Constitutional Court	Reviews constitutional complaints, restrictions and 'unrestricted rights'	Actively receives citizens' complaints, high level of protection	Limited powers, focus on protecting the interests of the state	Constitutional Council, prevents unconstitutional laws	Reviews complaints, protection of rights through reforms
International law	Recognized, but national legislation takes precedence (after 2020)	Recognition of the priority of international law	Integrates only in a limited way	Active integration of international standards	Implements international standards
Social rights	Broad guarantees, free education and medicine	Guaranteed, but depend on the economic situation	Strong social support	Extended social guarantees	Focus on the rights of national minorities

Political rights	They are limited in the interests of State security	High level of freedom	Strictly regulated	Limited to ensure stability	Freedom of expression is guaranteed, but there are challenges
Freedom of speech	Restricted, criticized for censorship	Relatively free, with international support	Very limited	Often limited	Clashes with censorship and restrictions
Judicial protection	Developed, but there are issues of independence	An effective system with access to the ECHR	The independence of the courts is limited	The judicial system is developing, but independence is limited	Limited by political instability

Figure 1 shows a radar chart summarizing the comparative analysis of constitutional rights in eight CIS countries. Each axis represents a key aspect, and the values reflect their relative performance or focus in each country.



**Figure 1 Comparative Evaluation of Constitutional Rights in CIS Countries.
Recognition of Human Rights**

All eight CIS countries formally acknowledge human rights as the cornerstone of their constitutional systems. Russia, Ukraine, and Moldova elevate human rights and freedoms to the highest priority, underscoring their fundamental importance in state structure. In contrast, Belarus and Tajikistan recognize human rights constitutionally but prioritize state sovereignty and security, leading to constraints on citizens' rights, particularly in political and civil liberties.

Judicial independence varies considerably among CIS nations. Ukraine and Moldova stand out with robust and accessible judicial mechanisms, including the option for individuals to petition the Constitutional Court, providing citizens with effective means to defend their rights. While Constitutional courts exist in Russia and Kazakhstan, their autonomy is questioned due to political influence and limited executive branch oversight. Belarus and Tajikistan demonstrate minimal judicial independence, with courts primarily serving state interests rather than those of citizens. Armenia and Kyrgyzstan are working to enhance judicial autonomy but face challenges related to political instability and inadequate funding.

International law is incorporated into the legal system of the CIS countries with great diversity. Ukraine and Moldova defend this clause best, being not only committed to an imitation of supremacy of international treaties over national legislation, but also in practice implementing those norms. Kazakhstan is trying to combine international standards and national issues control to protect Kazakhstan from national security threats. Following constitutional amendments of 2020, that decreased the role of international law, Russia has reinforced the primacy of national legislation. Belarus and Tajikistan are of little interest in international human rights protection mechanisms primarily focused on domestic policies. CIS nation constitutional frameworks give priority to social rights (education, health care, social security), in a social rights hierarchy. Government initiatives in Russia, Belarus and Kazakhstan provide for considerable social support. Although aware of these rights, Moldova and Ukraine are unable to put them into practice because of the economic situation. Paired with economic challenges and poor infrastructure, Armenia, Kyrgyzstan and Tajikistan provide near minimal social rights standards.

CIS countries, however, have very different levels of political freedoms. Extensive political liberties are granted in Ukraine and Moldova, which creates a presence for active opposition participation. The political rights are exercised with prohibitive stability-oriented restrictions in Russia and Kazakhstan. The most severe ways in which Belarus and Tajikistan limit dissent and prohibit government criticism are suppressed. Both moderate political freedoms exist in Armenia and Kyrgyzstan, though faced with political instability.

The issue of freedom of expression is still disputed in most of the CIS countries. Ukraine and Moldova have relatively open media environments also consistent with international media norms. On the other hand, Russia, Belarus, and Tajikistan have nearly unprecedented restrictions on media activities and public speech, claiming these all as being in the best interests of national security. In Kazakhstan, Armenia and Kyrgyzstan, media independence has sometimes come under state intervention to sit in a middle ground.

Constitutional rights are implemented practically based on economic, political and social factors. Democratic reforms and international support have improved rights realization in both Ukraine and Moldova. In Russia and Kazakhstan strong regulatory frameworks exist, but implementation is often stymied by bureaucratic and political obstacles. Belarus and Tajikistan practice restrictive rights at the individual level to meet state interests. Economic instability, political uncertainty are the challenges Armenia and Kyrgyzstan are facing.

Overall, CIS countries display diverse approaches to human rights legislation. Ukraine and Moldova pursue democratic development and integration with international legal standards. Belarus and Tajikistan emphasize state sovereignty and stability protection, impacting political rights. Russia and Kazakhstan blend substantial social guarantees with political sphere limitations. Armenia and Kyrgyzstan continue to seek equilibrium between reinforcing democratic institutions and addressing internal challenges.

Challenges in Implementing and Prospects for Legally Regulating Constitutional Rights in CIS

Nations Constitutional rights embedded in the legal frameworks of Commonwealth of Independent States countries serve as the foundation for state-citizen interactions. However, putting these rights into practice encounters numerous obstacles. Issues such as judicial system politicization, civil liberty constraints, and law enforcement deficiencies underscore the disparity between constitutional norms and their actual application. Nevertheless, the outlook for enhancing legal regulation is linked to aligning national laws with global standards, bolstering judicial independence, and advancing technology. Every CIS nation grapples with constitutional rights implementation. These challenges differ based on the political structure, economic progress, and judicial system condition.

A primary concern is the politicization of judicial systems. Judicial entities, intended to maintain power equilibrium and safeguard citizen rights, often succumb to executive branch influence. In Russia, the Constitutional Court plays a crucial role in upholding the rule of law, yet its rulings are frequently perceived as politically driven [34]. Belarus's judiciary is almost entirely state-controlled, hindering effective handling of human rights violation cases. In Tajikistan, executive branch dominance over courts renders the Constitutional Court virtually ineffective in protecting citizen rights.

Law enforcement practice issues are prevalent across the region. Even in countries with relatively stable legal structures, like Kazakhstan or Armenia, law implementation faces hurdles. For instance, in Kazakhstan, rural areas often have limited access to justice due to qualified judge shortages and weak infrastructure [36]. In Kyrgyzstan and Tajikistan, lack of judicial independence and low staff qualifications worsen the situation, resulting in unfair judicial decisions and restricted justice access for vulnerable populations.

Civil and political rights restrictions represent another widespread issue. In Russia, laws concerning "foreign agents" and combating extremism limit non-governmental organization activities, narrowing civic engagement opportunities. Belarus and Tajikistan strictly regulate freedom of speech and assembly, with activists and journalists facing harassment. Even in countries with comparatively free political systems, such as Ukraine and Moldova, political polarization and media pressure challenges persist, impeding full civil rights realization.

Kazakhstan faces distinct challenges in implementing constitutional rights. Despite proclaiming democracy and rule of law principles, restrictions on free speech and assembly, along with justice access difficulties, remain significant concerns.

While Kazakhstan's Constitution acknowledges freedom of expression, journalists and media outlets face substantial constraints in practice. Censorship and legal action often target independent publications, and the government maintains considerable control over information dissemination. Laws governing public gatherings require official approval from local authorities, effectively eliminating the possibility of organizing protests.

Access to justice is particularly challenging in Kazakhstan's outlying areas. Despite efforts to update the judicial system, financial and legal obstacles hinder citizens' ability to seek legal recourse. In some instances, court rulings are delayed due to overburdened judges and insufficient resources.

The national economic conditions, too, decide how social rights are fulfilled. Free education and health services are provided by Kazakhstan, but there is a huge difference in quality across regions. There are few educational and medical facilities that many people in the rural areas are unable to enjoy their social rights. Addressing these challenges requires concerted efforts in several areas: introducing digital technologies, aligning national laws with international standards, and finally, bringing about judicial independence through knowledge exchange among Commonwealth of Independent States Countries.

Significant improvement of legal frameworks is possible by harmonization with international norms. Human rights protections are being raised in Ukraine and Moldova as they are proactively importing the standards of the European Convention on Human Rights. However, progress has been made, as the country moves to implement international commitments. For Russia, national legislation of special significance is the first priority in the face of constitutional amendment in 2020, cutting off the influence of international instruments. A strong judicial independence is a necessity for justice. Transparency in appointment, training and anti corruption measures in the appointment of judges characterizes progressive reforms reducing executive influence on the courts of CIS countries. How judicial autonomy bolsters public trust in the legal system comes through the review upheld by Ukraine's Constitutional Court, which routinely hears citizen complaints.

CIS nations can learn from one another in order to develop effective solutions for improving legal frameworks. Integration of international standards in Moldova will also benefit Kazakhstan and Kyrgyzstan in terms of implementing participation standards and the constitutional courts' work, respectively. As an alternative to attending conferences, including regional forums, collaborative projects and other gatherings serve as forums that help to facilitate knowledge exchange and build shared approaches to protecting human rights.

New roles and opportunities for technological improvement in improving access to justice and social rights open up with digitalization and technological advancements. Electron courts, the online complaint systems, the reduction of administrative barriers, and simplification of legal assistance process are being performed by them in Kazakhstan. Adapted to other countries in the region where access to justice is limited, these technologies might be useful as well.

Conclusion

The study conducted a comprehensive examination of the legal frameworks in eight Commonwealth of Independent States (CIS) nations: Constitutional rights in Russia, Ukraine, Belarus, Kazakhstan, Armenia, Kyrgyzstan, Moldova and Tajikistan are examined with special reference to the form of their codification and practical application. Despite the formal and legal enshrinement of human rights, the results show that the effective implementation of human rights is often frustrated politically, economically and institutionally.

Yet, the Soviet past continues to shape contemporary legal systems in CIS countries in its centralised control, restrictions of judicial autonomy and the nominal characteristics of

constitutional provisions. Challenges to remember include the politicization of the judiciary that prohibits access to justice, undermines rule of law. For instance, in Belarus and Tajikistan courts are simply the additional arms of state power. Notwithstanding functional constitutional courts in Russia and Kazakhstan, there is political interference in the independence of the judiciary.

It found that these nations approached safeguarding constitutional rights in different ways. Ukraine and Moldova proceeded with the highest level of integration of international norms: they gave preference to international treaties over national legislation and employed constitutional complaints and direct citizen access to constitutional courts. On the contrary, Belarus and Tajikistan largely shun international mechanisms, ascertaining state sovereignty and security; obligatory Compliance and Agenda 16 discussed here. In Russia and Kazakhstan a hybrid mix between international standards and national interests is pursued.

Social rights such as right to education, healthcare, social security, are fulfilled in different ways among CIS countries. Government initiatives provide enormous social guarantees in Russia, Kazakhstan, and Belarus. Ukraine and Moldova, however, face economic constraints that strangle what could be essential public services. Economic hardships and low infrastructure are hampering the implementation of social rights in Armenia, Kyrgyzstan and Tajikistan.

In CIS countries freedom of speech, assembly, and the right to participate in governance is still a subject of political rights. Ukraine and Moldova are very active in opposition and have free media while offering considerable political freedoms. On the other hand, Russia and Kazakhstan restrict political rights by means of legislation aimed at stability. In Belarus and Tajikistan, these restrictions are severe body of the protest suppression and control of the media. Armenia and Kyrgyzstan have moderate political freedom but suffer from political instability.

Economic and social development as well as political freedom is the realization of rights. Democratic reforms have brought Ukraine and Moldova far, and with international support. Buried behind robust regulatory frameworks, bureaucratic/ institutional impediments remain with Russia and Kazakhstan. Buried behind these formulas, Belarus and Tajikistan value their state the most, placing constraints on individual rights. Progressive laws don't always lead to progress in implementation: Armenia and Kyrgyzstan are struggling with the internal instability.

The study shows that in order to implement rights successfully, there needs both international standards uptake, judicial independence improvement and digital technologies development. The human rights protection is better achieved when the national laws are aligned to the international law. As an example for the region, both Ukraine and Moldova have managed to integrate European standards. Electronic courts can improve access to justice in places distant from infrastructure and other traditional sources of access.

Judicial independence should be boosted through transparent appointments and professional development of judges, the recommendations say. Successful reform will be possible with regional cooperation and sharing of experiences among CIS countries. Human rights discussion and collaborative projects platforms can provide room to strengthen democratic institutions and legal systems. The results of this research are of critical importance both to constitutional law theory and practical legal improvements in CIS countries. Results emphasize the importance of additional research into mechanisms for effective rights realization. It might be interesting as future work that a detailed study of regional legal systems and their ways of adapting to the modern challenge could be.

The contribution of the authors

This article was written by three authors:

Zhamankarayeva G. played a key role in conceptualizing and designing the study, gathering and analyzing data, and interpreting results. She took responsibility for the work's overall integrity, addressed concerns about data accuracy and article completeness, authored the manuscript, evaluated and refined critical sections, and examined relevant literature.

Baizhanov E. was instrumental in drawing key conclusions, overseeing the research process, and participating in manuscript revision. He also contributed to enhancing the quality and precision of the final draft.

Yarilkhapova Sh. provided expert guidance, overseeing the development of the research concept and methodology. He reviewed the manuscript, aided in interpreting findings, and ensured the work maintained a high scientific standard throughout.

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Конституциялық құқықтарды салыстырмалы талдау және оларды Қазақстанда және ТМД-ның басқа елдерінде іске асыру: мәселелері мен болашағы

Аңдатпа: Зерттеу ТМД-ның сегіз елінде: Ресей, Қазақстан, Украина, Беларусь, Молдова, Тәжікстан, Армения және Қырғызстанда конституциялық құқықтарды қорғауды қарастырады.

Зерттеудің мақсаты-құқықтық іске асырудағы айырмашылықтар мен ұқсастықтарды зерттеу, сондай-ақ құқықтарды ілгерілетуге кедергі келтіретін факторларды анықтау, сондай-ақ халықаралық стандарттарға сәйкес келетін оларды іске асыру бойынша ұсыныстар әзірлеу. Зерттеу салыстырмалы құқықтық, нормативтік-тарихи және құқықтық әдістерді заңнамалық құжаттарды, конституциялық ережелер мен сот шешімдерін мазмұнды бағалаумен, сондай-ақ сараптамалық бағалаумен біріктіретін пәнаралық тәсілді қолданады.

Зерттеу нәтижелері Украина мен Молдова жеке конституциялық шағымдар беру тетіктерін белсенді қолданатындығын көрсетеді, өйткені Конституциялық соттар айтарлықтай Тәуелсіздік көрсетеді. Беларусь мен Тәжікстан құқықтарды қорғау үшін күресуде, өйткені олардың сот жүйелері атқарушы билікке бағынады. Қазақстан мен Ресей күшті атқарушы билікпен және тұрақтылықты сақтауға бағдарланумен сипатталады, бұл кейбір азаматтық бостандықтардың шектеулерімен қатар жүреді. Армения мен Қырғызстан институционалдық және саяси тұрақсыздыққа тап болса да, өз институттары арқылы демократияландыруға қол жеткізу үшін жұмыс істеуде.

Зерттеу Сот құқықтарын қорғауды күшейтуге және халықаралық нормаларды ұлттық заңнамаға біріктіруге, сондай-ақ Конституциялық қадағалаудың тәуелсіздігіне ықпал етуге бағытталған ұсыныстарды ұсынады. Зерттеу нәтижелері практикалық құндылық болып табылады, өйткені оларды бүкіл посткеңестік кеңістікте құқықтық институттарды реформалау және адам құқықтары бағдарламаларын әзірлеу үшін қолдануға мүмкіндік береді.

Кілт сөздер: конституциялық қорғау; ТМД елдері; салыстырмалы талдау; заңнама; посткеңестік елдер.

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Сравнительный анализ конституционных прав и их реализации в Казахстане и других странах СНГ: проблемы и перспективы

Аннотация: В исследовании рассматривается защита конституционных прав в восьми странах СНГ: России, Казахстане, Украине, Беларуси, Молдове, Таджикистане, Армении и Кыргызстане. Целью исследования является изучение различий и сходств в правовой реализации, а также выявление факторов, препятствующих продвижению прав, а также разработка рекомендаций по их реализации, соответствующих международным стандартам. В исследовании используется междисциплинарный подход, сочетающий сравнительно-правовой, нормативно-исторический и юридический методы с содержательной оценкой законодательных документов, конституционных положений и судебных решений, а также экспертными оценками.

Результаты исследования показывают, что Украина и Молдова активно используют механизмы подачи индивидуальных конституционных жалоб, так как Конституционные суды демонстрируют значительную независимость. Беларусь и Таджикистан борются за защиту прав, поскольку их судебные системы подчиняются исполнительной власти. Казахстан и

Россия характеризуются сильной исполнительной властью и ориентацией на поддержание стабильности, что сопровождается ограничениями некоторых гражданских свобод. Армения и Кыргызстан работают над достижением демократизации через свои институты, хотя и сталкиваются с институциональной и политической нестабильностью.

В исследовании представлены рекомендации, направленные на усиление судебной защиты прав и интеграцию международных норм в национальное законодательство, а также на содействие независимости конституционного надзора. Результаты исследования представляют практическую ценность, поскольку позволяют применять их для реформирования правовых институтов и разработки программ в области прав человека на всем постсоветском пространстве.

Ключевые слова: конституционная защита; страны СНГ; сравнительный анализ; законодательство; постсоветские страны.

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