



## Еңбек құқығы, әлеуметтік қамсыздандыру құқығы /Labor Law and Social Security Law/ Трудовое право, Право социального обеспечения

XFTAP 10.67.61

<https://doi.org/10.32523/2616-6844-2025-153-4-132-144>

Ғылыми мақала

### Қазақстан Республикасында өндірістік жарақаттану тәуекелдерін азайтудағы әлеуметтік сақтандырудың құқықтық негіздері

Y.N. Nurgaliyeva<sup>1</sup>, A.S. Baimakhanova<sup>2\*</sup>, A.O. Makrushin<sup>3</sup>

<sup>1,2,3</sup>L.N. Gumilyov Eurasian National University, Astana, Kazakhstan

(e-mail: <sup>1</sup>e.nurgaliyeva47@gmail.com, <sup>2</sup>baimahanovaa10@gmail.com, <sup>3</sup>Makrushin.Anton@hotmail.com)

**Abstract:** The article explores a topic understudied in legal literature—the problem of digital nomads. Based on the study of foreign literature, the article concludes that the concept of "digital nomads" should be considered in a broad and narrow sense, since understanding only in a narrow sense (only as people moving from one state to another) does not reveal the essence of the content of the latest form of labor in the context of digitalization, which is increasingly becoming unconventional. Based on a broad understanding, all types of non-traditional forms of employment legally regulated in the Kazakh legislation are considered, and the fact is stated that the latest types of employment, such as outsourcing, outstaffing, self-employment, etc., widely used in the country in recent years, are in a "legal vacuum". The advantages and disadvantages of the latest forms of employment using digital technologies are also considered. At the same time, special attention is paid to digital nomads, their differences from digital migrants. Digital nomadism, depending on its mobility, is represented in three levels: limited in movement, moving from time to time, and constantly traveling professionals. It is concluded that in Kazakhstan, the focus is mainly on third-level digital nomads, since it is assumed that professionals will make a worthy contribution to the development of the country's economy, the introduction of new technologies into production, and all the advantages of digitalization.

**Keywords:** digital nomads, digital migrants, traveling professionals.

### Introduction

The dynamism of social and labor relations that the world has been "experiencing" lately has given rise to new forms of them related to digitalization and the introduction of new technologies. In our opinion, the study of these forms of employment is also related to the

Received: 18.10.2025. Accepted: 09.12.2025. Available online: 30.12.2025

analysis of problems and prospects for their solution in different countries conducted by the International Labor Organization (hereinafter - ILO) in 2015.

The solution to this problem, for example, in our country is due to the lack of an effective legal framework (without gaps and shortcomings), which remains socialist with some point changes and additions without relying on any new Concept. Thus, half-hearted changes have occurred in the regulation of such flexible forms of employment as remote, platform, part-time, etc., although it is obvious that such changes in the employment structure have a direct impact on the mobility and remuneration of workers, in general, on their competitiveness and social status.

When studying the essence of flexible forms of employment, the authors use various terminologies: non-standard employment, typical employment, but the essence of these terms has the same semantic meaning; they are synonymous words, and the content of employment itself does not change from the use of any of these terms. The characteristic features are: flexible but long-term work, lack of stable wages, and social guarantees. There is also a risk of becoming a precariat in the future, i.e., among the "socially vulnerable" categories of workers.

## **Materials and methods**

The study of the legal aspects of digital nomads is based on various materials and methods. The article uses a specialized methodological approach in the digital humanities due to the representation of digital information resources and various traditional methodologies of the humanities. The application of this methodology is an effective tool for improving public management of the processes of "digital nomadism" in the country.

When writing the article, the following methods were also used: formal-legal, systematic, and the method of interpretation of legal norms. The legislation regulating the work of employees using information technology has been studied, considering the codification of the current norms of Kazakh labor legislation based on formal logic and special terminology. At the same time, the labor relations of digital nomads have been studied as a system consisting of qualified elements, depending on their non-traditional forms. The systematic method is also associated with rethinking the problem posed, presenting it in the new conditions of the transformation of labor relations. The interpretation method was used to clarify the meaning and content of the legal norms on digital nomads.

## **Results and Discussion**

In the Republic of Kazakhstan, as well as in many foreign countries, there are changes in the structure of employment, manifested in the simultaneous functioning of traditional and non-traditional forms of employment. If in foreign countries such coexistence is an indicator of a high level of employment, as well as high economic development and high incomes of citizens, then in our country, such achievements are observed very modestly.

And since, according to estimates by the International Labor Organization, the share of non-traditional forms of employment in the world exceeds fifty percent, we must also think that almost all forms of non-traditional employment existing in the world will "come" to Kazakhstan.

It should be noted that the following forms of non-traditional employment are currently being successfully applied, and they are regulated in the Labor Code of the Republic of Kazakhstan (hereinafter referred to as the Labor Code of the Republic of Kazakhstan).

For clarity, let's draw a table.

**Table No. 1**

No	Forms of non-traditional employment	The content of the form	Relevant articles of the Labor Code of the Republic of Kazakhstan
1	Fixed-term employment contracts and temporary employment	An employment contract may be concluded for a certain period of at least one year, except in cases specified in the Labor Code of the Republic of Kazakhstan. Temporary work: for the duration of a specific job; for the duration of the replacement of an absent employee; for the duration of seasonal work.	Article 30 of the Labor Code of the Republic of Kazakhstan does not contain a separate article on temporary work. Seasonal work for a period of no more than 1 year. Article 134 of the Labor Code of the Republic of Kazakhstan
2	Home-based work	These are persons who have entered into an employment contract to perform work at home by personal labor with their own materials, equipment, or purchased by their employer.	Article 137 of the Labor Code of the Republic of Kazakhstan
3	Secondment of employees	This is the performance by an employee of work in a certain specialty, qualification, or position, or in another specialty, qualification, and position for another legal entity or for the legal entity itself (branches, representative offices, separate structural divisions. The terms, procedure, and duration of a business trip are determined by agreement between legal entities (a tripartite agreement).	Article 40 of the Labor Code of the Republic of Kazakhstan Article 137-1 of the Labor Code of the Republic of Kazakhstan
4	Part-time work	It is provided to employees caring for a sick family member; having children under 3 years old; having a disabled child under 18 years old; employees who have less than 2 years left before reaching retirement age or reaching retirement age.	Paragraph 4 of Article 68 of the Labor Code of the Republic of Kazakhstan Definition in art. 70 of the Labor Code of the Republic of Kazakhstan
5	Remote work Flexible working hours	It is installed for remote workers.  It is established at the conclusion of an employment contract, and during the term of	Article 74 of the Labor Code of the Republic of Kazakhstan Article 138 of the Labor Code of the Republic of Kazakhstan

		the employment contract, with the introduction of appropriate changes.	
6	Domestic workers	These are workers who work at home, i.e., they run a household.	Article 136 of the Labor Code of the Republic of Kazakhstan
7	Platform workers	Employment using internet platforms. An employment contract for a fixed term, without any time limit, is concluded between employees and an individual entrepreneur or legal entity operating using internet platforms.	Article 146-1 of the Labor Code of the Republic of Kazakhstan
8	Joint employment	Employment relations between several employees for jointly performing one work function with the same employer to perform the work during working hours.	Paragraphs 56-1 of Article 1 of the Labor Code of the Republic of Kazakhstan

Of all the non-traditional forms of employment listed in the table, new forms include secondment, remote work, platform workers, and co-employment. And this shows that Kazakhstan's labor legislation does not regulate all forms of new employment, although they are widely applied in practice. The new forms of employment listed in the table are also not fully regulated. For example, a significant part of the problems related to remote workers, secondment workers, platform workers, and co-employment requires great improvement. Let's give at least one example. Thus, the issues of platform employment are regulated not in the Labor Code of the Republic of Kazakhstan, but in the Social Code of the Republic of Kazakhstan. In our opinion, there is the following explanation for this: the legislator does not recognize relationships in which work is carried out through online platforms as labor relations. And this is wrong, because, as the experience of the European Union countries shows, most of the court cases related to platform employees are resolved in favor of platform employees, whose activities clearly show not civil law, but labor relations. Currently, the Mazhilis of the Parliament of the Republic of Kazakhstan is considering a draft law in which the key is to ban the substitution of labor relations with contracts of a civil nature. And this is aimed at providing employees with all the guarantees and social benefits provided for in the Labor Code of the Republic of Kazakhstan.

As for remote workers, when further reforming labor legislation, it is necessary to provide for articles: on the specifics of concluding an employment contract; working hours and rest periods; on guarantees of remuneration; on the procedure for transfer at the initiative of the employer; and on additional grounds for termination of an employment contract with remote workers. Issues of joint employment and secondment also need to be reviewed, with a clear indication of the rights and obligations of the parties to the employment contract.

Speaking about the impact of digitalization on the emergence of new forms of employment, Western scientists especially focus on increasing the flexibility of work schedules. It is also noted that such changes lead to job insecurity and lower social guarantees for employees. The introduction of digital technologies is changing the content of work, making it intellectual and

less physically intense. Consequently, the employee is required to continuously improve their skills to adapt to all the changing conditions of the digitalization of the world of work. Otherwise, inequality in the labor market will increase [1,2].

Foreign scientific studies emphasize that the spread of remote and hybrid forms of employment has ambiguous consequences for employees and employers. On the one hand, the transition to remote work contributes to the growth of independence and a subjective sense of job satisfaction. Thus, according to the results of a study by Bakracheva et al., the long-term online work of university teachers during the pandemic allowed optimizing time resources, reducing transportation costs, and increasing productivity. At the same time, there was an increase in conflict between the professional and family spheres, an increase in working hours, and an increase in psychological stress caused by constant stay in the digital space [3].

Some authors draw attention to the so-called "paradox of autonomy. The study by Vassiley et al. demonstrates that employees who perform duties from home simultaneously experience the benefits of flexibility and an increase in hidden psychosocial risks. These include feelings of social isolation, difficulties recovering from work, and blurring the boundaries between personal and professional time [4]. Similar conclusions are contained in an ILO study led by Messenger, which noted that despite the expansion of remote employment opportunities, the level of stress and professional burnout among workers who have completely switched to a remote format remains significantly higher than those who combine online and offline work [5].

Thus, the analysis of foreign experience allows us to conclude that the processes of digitalization of labor pose new challenges for the state and employers, related not only to the organization of flexible employment regimes, but also to the formation of institutional mechanisms for the protection of the mental health of workers. Of particular importance is the regulatory consolidation of the so-called "right to disconnect", which ensures a balance between professional activity and personal time, as well as the search for the optimal balance between the interests of the employer and employees in the context of digital transformation.

What is the difference between non-standard (non-traditional) labor relations and standard (traditional) ones, and why is the whole world moving to the former?

With a non-standard new form of employment, the employee receives the following advantages: distributes time between work and family or other responsibilities at his discretion; has the opportunity to receive education, combining with work; especially this form of employment is convenient for those workers who are not in demand in standard (traditional) employment (women with children, the disabled, pensioners, etc.). Some unscrupulous employers have their own "interests" in the form of: a) failure to formalize official employment relations with an employee; b) failure to provide social guarantees; absence of any obligations under both the labor and collective agreement; c) irregular payment of wages, non-payment of bonuses due to lack of control over the labor process and the quality of work performed.

Undesirable consequences for the state may occur in the event of the spread of shadow employment and, as a result, a shortage of taxes. Significant damage can be caused to the State by informal employment if the fact of an employment relationship is hidden from the official authorities. At the same time, employment relations may not be formalized, and employees and the self-employed, in the absence of registration of their work, "drop out" not only from tax deductions, but also lose their work experience in order to calculate pensions and daily social benefits in the future. Thus, according to a study by Kazakhstani experts based on sociological research, 36.4% of respondents who receive income noted that they are employed informally in the market. This index is higher among men - 36.7% and lower among women - 34.9%. These

figures are called the Cumulative Informality Index (INS), which lists four subspecies of people employed in the economy:

- 1) working without an employment contract;
- 2) working in the "gray" hire;
- 3) entrepreneurs who hide their income from the state;
- 4) moonlighting, unemployed (without paperwork).

The largest share of informal workers are those receiving their wages in cash, at 16.6%. The share of informal entrepreneurs is 13.6%, and those earning part-time (young people, pensioners) is 6.2% [6]. Thanks to the implementation of the Unified Comprehensive Income (UCI), these figures are declining, which is encouraging. Recently, so-called digital nomadism, characterized by the hypermobility of workers who move from one country to another in search of a comfortable life using their computers, has begun to become a real social policy worldwide. A study of modern scientific literature on the digitalization of labor indicates that in many countries, the trend toward increasing employment instability is growing due to the spread of platform work models. Researchers note that digital platforms, while providing new channels for income generation, simultaneously make workers dependent on algorithms and fluctuations in market demand. American authors have analyzed in detail the activities of workers on platforms such as Uber, TaskRabbit, and Upwork, demonstrating that the dependence of income on digital system decisions leads to job unpredictability and limits the availability of sustainable social guarantees. Algorithmic management of order distribution effectively creates a new form of labor subordination, which manifests itself in reduced income stability and increased precarity [7]. Similar patterns were identified in a study by Rosenblat and Stark (2016), which demonstrated that platform algorithms not only distribute orders but also perform control and oversight functions characteristic of traditional HR management, thereby limiting workers' participation in determining their working conditions [8]. Similar results are demonstrated by studies conducted in Central and Eastern European countries. For example, the article "Precarization via Digitalization? Work Arrangements in the On-Demand Platform Economy in Hungary and Slovakia" emphasizes that a high degree of job instability is inherent in both couriers and online freelancers [9]. The lack of formalized employment contracts and clear legal guarantees excludes these workers from social protection, increasing their vulnerability in the modern labor market. As of 2024–2025, there are approximately 35–40 million digital nomads worldwide, but no one can provide exact figures due to the lack of a unified definition and criteria for this group. Their number is predicted to reach 60 million by 2030 [10]. The lack of a unified definition and precise criteria for establishing the status of "digital nomad" is evidenced by the fact that almost all studies of this phenomenon emphasize the worker's relocation from one country to another. In our view, this is a narrow understanding of "digital nomad," although in a broader sense, they are people who combine work with travel not only around the world but also within a single country. Therefore, by "digital nomadism," we understand remote work outside of a permanent or temporary place of work using information technology. In our further research, we will adhere to this broad understanding. "Digital migrants" should be distinguished from "digital nomads." We believe that "digital migrants" should be understood as forced digital nomads, primarily from developing traditional societies, who use digital devices and social media to maintain communication with their homeland and the diaspora [11]. Digital nomads are not a new category of migrants, as they are not tied to one place of work for a specific period of time, but are highly mobile and move regularly.

It would be appropriate to recall those who first used the term "digital nomad". Even before the term "digital nomad" appeared in the book by Tsuchilo Makimoto and David Manners in 1997, the image of nomads was addressed by J. Atpali, Z. Bauman, J. Dalez, and F. Guattari et al., emphasizing precisely the "nomadic state" of some people who understood the values of freedom as freedom of movement, communication, and self-realization. There are three levels of digital nomadism, depending on mobility:

The first level is those individuals who can work regardless of their location, but at the same time are limited in movement and remain in a familiar home environment.

The second level involves random and periodic attempts, followed by a return. At the same time, permanent residence is maintained, and travel occurs from time to time.

The third level is constant travel without permanent residence, which gives them the opportunity to solve professional tasks from anywhere in the world [12].

In their article, Zh.B. Rakhmatullina et al. conclude that digital nomads are distinguished by a high level of education and professional training; significant freedom in choosing the sphere of production and provision of services in the field of intangible production. They can also replace absent employees [13].

Just like with other non-traditional forms of employment, digital nomads have their pros and cons. For the host countries, the advantages are that when they enter their "favorite" country, they do not apply for local jobs, and over time, they can stay for many years. And since these are usually highly qualified and in-demand specialists, they can actively participate in the economic life of the host country in the future. That is why we believe that Kazakhstan should become a place of attraction for such workers. No wonder they say that nomadism requires not only flexibility and courage, but also psychological maturity. Without even noticing it, digital nomads are constantly losing social connections, their former status, are unable to move up the career ladder, and are losing various social benefits that they had before. Obtaining legal residence status, resolving issues of double taxation, finding housing (or renting housing), etc., is not always smooth. More difficulties arise, especially when moving with a family together with children (employment of a spouse, placement of children in schools, children's institutions, etc. In several countries, some types do not provide for moving with family members.

Numerous studies of digital nomadism emphasize that the individual's realization of his professional independence for decent pay "hides" the problems of his psychological and physical condition. Without guaranteed support from their state and society, when employment and income are unstable, they try to maintain a high level of autonomy in the disposal of their own time; they can constantly self-exploit, which can eventually lead to precarization. Consequently, all the characteristic signs of precarization in the form of unstable employment and uncertainty about the future are evident. After all, it is known that one of the aspects of precarious employment is the urgent nature of labor relations, which requires special psychological skills from a digital nomad, stress tolerance with global mobility, and connectivity to information technologies. The short-term interest in a particular country should also be added to these negative factors, the lack of legislative regulation of such categories of workers.; The lack of transparency of tax legislation, the short duration (up to one year) of stay, etc. Therefore, in Kazakhstan, it is necessary to develop a concept of remote work with the adoption of an appropriate legislative act.

Let's consider, for example, what legal issues an applicant for relocation to Kazakhstan will have to solve. These issues include obtaining legal residence status (visa, residence permit); proof of income and financial independence; tax issues; resolution of double taxation issues

depending on the agreement between the countries; availability of medical insurance in the host country; lack of criminal record, and proof of residence.

Many countries offer special visas for such workers, which allow them to legally reside and work in the country. However, visas usually have a limited period of stay (one year with the possibility of extension). In Kazakhstan, the digital nomad visa appeared only in 2024, and it is available only to citizens of countries that have a visa regime with Kazakhstan. Currently, there are three types of basic visas in Kazakhstan: Neo-Nomad Visa ("B12-1"); visa category "B9", and Digital-Nomad Visa category "B9-1".

Let's consider each of the visas separately:

A B9 visa is provided for 90 days for highly sought-after professionals and professionals in the country, with the possibility of obtaining a residence permit. To obtain it, only two documents are required: a petition from the relevant government agencies and a copy of the diploma confirming the qualification. At the same time, a foreign citizen must have an education that corresponds to the List of professions in demand.

The visa category "B12-1" - Neo-Nomad Visa is designed for tourists working remotely, combining work and leisure. The visa is issued for a period of up to one year with the possibility of extension for another year. One of the main requirements is: proof of a monthly income of at least 3 thousand US dollars from foreign sources; providing a certificate of absence of a criminal record from the country of citizenship; a tax return from the country of citizenship, as well as an invitation from a licensed travel company.

In addition to the three main types of visas, there are a number of other visas, both unrelated and related to labor and business activities.

Finally, the third type of visa, which involves full integration into the Kazakh labor sector, is the Digital Nomad Visa (B9-1) (from April 2025). This visa is designed for a narrow range of IT specialists in accordance with Kazakhstan's strategic plan to attract qualified specialists to obtain permanent residence in the future.

In recent years, the phenomenon of digital nomadism has become not only a socio-cultural, but also a political and economic phenomenon that is actively understood within the framework of public policy in a number of countries. Many countries are developing special visa regimes aimed at attracting mobile professionals working remotely. Estonia was one of the first countries to introduce this practice: in 2020, the Digital Nomad Visa was introduced here, allowing foreign citizens to legally reside in the country for up to one year while maintaining employment relations with foreign employers [14]. As the researchers emphasize, this initiative is closely linked to the implementation of the state digital strategy "e-Estonia" and serves as a tool for attracting qualified IT specialists, as well as stimulating domestic demand for innovative services [14].

Similar approaches to regulating mobile employment can be observed in a number of other European countries — Portugal, Croatia, Greece, and Spain. According to foreign authors, visas for digital nomads perform a dual function: on the one hand, they diversify national labor markets, and on the other, they contribute to the development of tourism and service infrastructure [15, 16]. The example of Croatia is illustrative, where the authorities position the country as a "center for digital nomads", offering tax breaks, simplified visa procedures, and affordable housing for remote workers.

According to the Organization for Economic Cooperation and Development (OECD), many states consider the development of digital nomadism as a tool for global competition for highly qualified personnel [17]. The OECD (2022) report highlights that the introduction of special

visa and tax regimes contributes not only to attracting mobile professionals but also to their integration into the national economies of host countries. At the same time, there are still a number of unresolved issues related to taxation, health insurance, and social guarantees for the nomads themselves and their family members.

Thus, an analysis of foreign practice shows that digital nomadism is gradually ceasing to be an exclusively individual form of employment. It is being transformed into an element of government policy aimed at stimulating economic growth, developing human capital, and increasing the competitiveness of national labor markets.

## Conclusion

Thus, the problem of digital nomads has now become a real social policy of any state, since there is a high risk of this non-traditional form of employment becoming a "socially vulnerable" category of workers.

The main goal of attracting digital nomads to Kazakhstan is the long-term integration of highly qualified specialists into the economy. In this regard, two parallel models of attracting digital nomads have been created: the Neo-Nomad Visa is more flexible and specialized (promising), considering the possibility for a specialist to stay permanently in Kazakhstan. When attracting professionals, one should not forget that traveling to different countries leads to burnout, loss of social ties, fatigue, and an urgent need to return to stability. All these negative factors should be taken into account in the legislative regulation of their activities, with an emphasis on "softening" the requirements not only when entering the country, but also during their stay in a secret country.

As can be seen from the table, not all forms of non-traditional employment used in Kazakhstan are regulated by labor legislation. For example, employee leasing, borrowed labor, outsourcing, outstaffing, self-employment, and many others have not been reflected in legislation. It should be noted that not only are other non-traditional forms of employment found in practice not regulated in the Labor Code of the Republic of Kazakhstan, but there is practically no mention (except for remote and platform workers) of other labor relations implemented in digital format. In the near future, there will be an objective need to revise the concept of the current Labor Code of the Republic of Kazakhstan with the transition to a new model of employment that combines both standard and non-standard forms of employment.

The article was prepared within the framework of the project: IRN AP26198993 «Legal support for digital nomads and monitoring of current problems in the field of social and labor relations in the context of digitalization». Financing from the state budget.

## The contribution of the authors

**Nurgaliyeva Y.N.** – developed a research concept, carried out the collection, systematization and primary analysis of regulatory and legal sources, prepared a theoretical part and a section on the international experience of legal regulation of digital nomads.

**Baimakhanova A.S.** – participated in the collection and structuring of empirical data, the preparation of analytical tables and comparative legal reviews, and participated in the development of conclusions and practical recommendations for improving legal regulation.

**Makrushin A.O.** – carried out empirical verification and interpretation of the results, prepared statistical and comparative legal tables, participated in the design of the article, and prepared for publication.

## References

1. Frey, C.B. and Osborne, M.A. (2017) The Future of Employment: How Susceptible are Jobs to Computerization? *Technological Forecasting & Social Change*, 114, pp. 254–280.
2. De Stefano, V. (2016) The Rise of the "Just-in-Time Workforce": On-Demand Work, Crowd Work and Labour Protection in the Gig Economy. *Inclusive Labour Markets, Labour Relations and Working Conditions Branch*, 37(3), pp. 471–503.
3. Bakracheva, M. et al. (2024) Work-life balance of university teachers after two years of telework during the COVID-19 pandemic. *Human Systems Management*, 43, pp. 693–705. Available at: [https://www.researchgate.net/publication/376662386\\_Work-life\\_balance\\_of\\_university\\_teachers\\_after\\_two\\_years\\_of\\_telework\\_during\\_the\\_COVID-19\\_pandemic](https://www.researchgate.net/publication/376662386_Work-life_balance_of_university_teachers_after_two_years_of_telework_during_the_COVID-19_pandemic) (accessed: 16.10.2025).
4. Vassiley, A., Shafaei, A., Nejati, M., Onnis, L. and Bentley, T. (2025) The autonomy paradox, working from home, and psychosocial hazards. *Journal of Industrial Relations*, 67(2), pp. 356–385. <https://doi.org/10.1177/00221856251315859>
5. Messenger, J. (2019) Introduction: Telework in the 21st Century – An Evolutionary Perspective. *The ILO Future of Work Series*. Available at: <https://www.elgaronline.com/edcollbook-oa/edcoll/9781789903744/9781789903744.xml> (accessed: 16.10.2025).
6. Ranking.kz (2024) Треть работающих казахстанцев имеют неформальную занятость // <https://ranking.kz/digest/industries-digest/tret-rabotayuschih-kazahstantsev-imeyut-neformalnuyu-zanyatost.html> (accessed: 16.10.2025).
7. Schor, J.B., Attwood-Charles, W., Cansoy, M., Ladegaard, I. and Wengronowitz, R. (2020) Dependence and precarity in the platform economy. *Theory and Society*, 49(5–6), pp. 833–861. <https://doi.org/10.1007/s11186-020-09408-y>
8. Rosenblat, A., & Stark, L. (2016). Algorithmic labor and information asymmetries: A case study of Uber's drivers. *International Journal of Communication*, 10, pp. 3758–3784.
9. Szabó, A., & Drahokoupil, J. (2020). Precarization via Digitalization? Work Arrangements in the On-Demand Platform Economy in Hungary and Slovakia. *Frontiers in Sociology*, 5, Article 36. <https://doi.org/10.3389/fsoc.2020.00036>
10. UNWTO (2024). The Rise of Digital Nomads. Madrid: World Tourism Organization. Available at: [https://pre-webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2025-02/6\\_ICF\\_Digital%20Nomads.pdf](https://pre-webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2025-02/6_ICF_Digital%20Nomads.pdf) (accessed: 16.10.2025).
11. Глухов А. П., Окушова Г. А. Цифровые мигранты как вынужденные цифровые кочевники: формирование новой идентичности // III Международной трансдисциплинарной научно-практической WEB-конференции «Цифровое кочевничество как глобальный и сибирский тренд», Томск, 24–26 мая 2016 года. Томск: Томский государственный университет, 2017. С. 89–98
12. Reichenberger, I. (2018) Digital nomads – a quest for holistic freedom in work and leisure. *Annals of Leisure Research*, 21(3), pp. 315–334. <https://doi.org/10.1080/11745398.2017.1358098>
13. Рахматуллина Ж.Б., Сулейменова А.О., Аблайханова Т.А. (2024) «Цифровые кочевники на современном рынке труда» // *Central Asian Economicis Review*. 2024. №2
14. Government of Estonia. (2020). Digital Nomad Visa Program. Available at: <https://e-resident.gov.ee/nomadvisa> (accessed: 16.10.2025).
15. Savory & Partners (2025) Croatia Expands Digital Nomad Visa to Allow Up to 3 Years of Legal Stay. Available at: <https://www.savoryandpartners.com/news/croatia-digital-nomad-visa-3-year-extension> (accessed: 16.10.2025).
16. Abreu, M. and Sampaio, L.P. (2025) An insight into the Journey of Digital Nomads in Portugal. *Journal of Business and Tourism Studies*, Special Issue, pp. 158–169. <https://doi.org/10.54663/2182-9306.2025.SpecialIssueMBP.158-169>
17. OECD (2022) Should OECD countries develop new Digital Nomad Visas? Paris: OECD Publishing. Available at: [https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/07/should-oecd-countries-develop-new-digital-nomad-visas\\_4d283d33/4d425e15-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/07/should-oecd-countries-develop-new-digital-nomad-visas_4d283d33/4d425e15-en.pdf) (accessed: 16.10.2025).

**Е.Н. Нургалиева<sup>1</sup>, А.С. Баймаханова<sup>2</sup>, А.О. Макрушин<sup>3</sup>**

<sup>1,2,3</sup>Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан  
(e-mail: <sup>1</sup>e.nurgaliyeva47@gmail.com, <sup>2</sup>baimahanovaa10@gmail.com, <sup>3</sup>Makrushin.Anton@hotmail.com)

### **Цифрлық көшпендер: Қазақстандағы проблемалар мен даму болашағы**

**Аннатація:** мақала заң әдебиетіндегі аз зерттелген тақырыптардың бірі – цифрлық көшпендерлер мәселесіне арналған. Шетел әдебиетін зерделеу негізінде мақалада «цифрлық көшпендер» үғымын кең және тар мағынада қарастыру керек деген қорытынды жасалған, өйткені тек тар мағынада түсіну (тек бір мемлекеттен екінші мемлекетке көшетін адамдар ретінде) барған сайын дәстүрлі емес сипатқа ие болып келе жатқан цифрландыру жағдайында еңбектің соңғы формасының мазмұнының мәнін ашпайды. Кең түсінікке сүйене отырып, қазақстандық заңнамада заңды түрде реттелетін дәстүрлі емес жұмыспен қамту нысандарының барлық түрлері қарастырылып, соңғы жылдары елімізде кеңінен қолданылып жүрген аутсорсинг, аутстаффинг, өзін-өзі жұмыспен қамту және т.б. сияқты жұмыспен қамтудың соңғы түрлері «құқықтық вакуумда» түрғаны айтылады. Сондай-ақ цифрлық технологияларды пайдалана отырып, жұмыспен қамтудың соңғы түрлерінің артықшылықтары мен кемшіліктері қарастырылады. Цифрлық көшпендерге және олардың цифрлық мигранттардан айырмашылығына ерекше назар аударылады. Цифрлық көшпендерлік өзінің ұтқырлығына қарай үш деңгейде ұсынылған: қозғалысы шектеулі; Кездесісоқ саяхатшылар; үнемі саяхаттайтын кәсіпқойлар. Қазақстанда үшінші деңгейлі цифрлық көшпендерге бірінші кезекте назар аударылады, өйткені бұл мамандар еліміздің экономикалық дамуына, өндіріске жаңа технологияларды енгізуге және цифрландырудың барлық артықшылықтарына елеулі үлес қосады деген болжам бар.

**Түйін сөздер:** цифрлық көшпендер, цифрлық мигранттар, саяхатшы мамандар.

**Е.Н. Нургалиева<sup>1</sup>, А.С. Баймаханова<sup>2</sup>, А.О. Макрушин<sup>3</sup>**

<sup>1,2,3</sup>Евразийский национальный университет имени Л.Н. Гумилева, Астана, Казахстан  
(e-mail: <sup>1</sup>e.nurgaliyeva47@gmail.com, <sup>2</sup>baimahanovaa10@gmail.com, <sup>3</sup>Makrushin.Anton@hotmail.com)

### **Цифровые кочевники: проблемы и перспективы развития в Казахстане**

**Аннотация:** статья посвящена одной из малоизученных в правовой литературе тем-проблеме цифровых кочевников. На основе изучения зарубежной литературы в статье сделан вывод о том, что понятие «цифровые кочевники» необходимо рассматривать в широком и узком смыслах, поскольку понимание только в узком смысле (только в качестве лиц, передвигающихся из одного государства в другое) не раскрывает сути содержания новейшей формы труда в условиях цифровизации, который все больше становится нетрадиционным. Исходя из широкого понимания, рассмотрены все виды нетрадиционных форм занятости, законодательно регламентированные в казахстанском законодательстве, и констатируется факт, что новейшие виды занятости как аутсорсинг, аутстаффинг, самостоятельная занятость и др., широко применяемые в стране в последние годы, находятся в «правовом вакууме». Рассмотрены также преимущества и недостатки новейших форм занятости с применением цифровых технологий. При этом особое внимание уделено цифровым кочевникам, их отличию от цифровых мигрантов. Цифровое кочевничество в зависимости от его мобильности представлены в трех уровнях: ограниченные в передвижениях; передвигающиеся время

от времени; постоянно путешествующие профессионалы. Делается вывод о том, что в Казахстане в основном акцент делается на цифровых кочевниках третьего уровня, поскольку предполагается, что именно профессионалы внесут достойный вклад в развитие экономики страны, внедрению в производство новых технологий и всех преимуществ цифровизации.

**Ключевые слова:** цифровые кочевники, цифровые мигранты, путешествующие профессионалы.

## References

1. Frey, C.B. and Osborne, M.A. (2017) The Future of Employment: How Susceptible are Jobs to Computerization? *Technological Forecasting & Social Change*, 114, pp. 254–280.
2. De Stefano, V. (2016) The Rise of the "Just-in-Time Workforce": On-Demand Work, Crowd Work and Labour Protection in the Gig Economy. *Inclusive Labour Markets, Labour Relations and Working Conditions Branch*, 37(3), pp. 471–503.
3. Bakracheva, M. et al. (2024) Work-life balance of university teachers after two years of telework during the COVID-19 pandemic. *Human Systems Management*, 43, pp. 693–705. Available at: [https://www.researchgate.net/publication/376662386\\_Work-life\\_balance\\_of\\_university\\_teachers\\_after\\_two\\_years\\_of\\_telework\\_during\\_the\\_COVID-19\\_pandemic](https://www.researchgate.net/publication/376662386_Work-life_balance_of_university_teachers_after_two_years_of_telework_during_the_COVID-19_pandemic) (accessed: 16.10.2025).
4. Vassiley, A., Shafaei, A., Nejati, M., Onnis, L. and Bentley, T. (2025) The autonomy paradox, working from home, and psychosocial hazards. *Journal of Industrial Relations*, 67(2), pp. 356–385. <https://doi.org/10.1177/00221856251315859>
5. Messenger, J. (2019) Introduction: Telework in the 21st Century – An Evolutionary Perspective. *The ILO Future of Work Series*. Available at: <https://www.elgaronline.com/edcollbook-oa/edcoll/9781789903744/9781789903744.xml> (accessed: 16.10.2025).
6. Ranking.kz (2024) Tret' rabotayushchikh kazakhstantsev imeyut neformal'nyu zanyatost' [A third of working Kazakh citizens are informally employed]. Available at: <https://ranking.kz/digest/industries-digest/tret-rabotayuschih-kazahstantsev-imeyut-neformalnyu-zanyatost.html> (accessed: 16.10.2025).
7. Schor, J.B., Attwood-Charles, W., Cansoy, M., Ladegaard, I. and Wengronowitz, R. (2020) Dependence and precarity in the platform economy. *Theory and Society*, 49(5–6), pp. 833–861. <https://doi.org/10.1007/s11186-020-09408-y>
8. Rosenblat, A. and Stark, L. (2016) Algorithmic labor and information asymmetries: A case study of Uber's drivers. *International Journal of Communication*, 10, pp. 3758–3784.
9. Szabo, A. and Drahokoupil, J. (2020) Precarization via Digitalization? Work Arrangements in the On-Demand Platform Economy in Hungary and Slovakia. *Frontiers in Sociology*, 5, Article 36. <https://doi.org/10.3389/fsoc.2020.00036>
10. UNWTO (2024) The Rise of Digital Nomads. Madrid: World Tourism Organization. Available at: [https://pre-webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2025-02/6\\_ICF\\_Digital%20Nomads.pdf](https://pre-webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2025-02/6_ICF_Digital%20Nomads.pdf) (accessed: 16.10.2025).
11. Glukhov, A.P. and Okushova, G.A. (2017) Tsifrovye migranti kak vynuzhdennye tsifrovye kochevniki: formirovaniye novoi identichnosti [Digital migrants as forced digital nomads: Formation of a new identity]. In: III Mezhdunarodnaya transdistsiplinarnaya nauchno-prakticheskaya WEB-konferentsiya "Tsifrovoe kochevnichestvo kak global'nyi i sibirskii trend" (Tomsk, 24–26 May 2016). Tomsk: Tomskii gosudarstvennyi universitet, pp. 89–98.
12. Reichenberger, I. (2018) Digital nomads – a quest for holistic freedom in work and leisure. *Annals of Leisure Research*, 21(3), pp. 315–334. <https://doi.org/10.1080/11745398.2017.1358098>
13. Rakhmatullina, Zh.B., Suleimenova, A.O. and Ablaykhanova, T.A. (2024) Tsifrovye kochevniki na sovremennom rynke truda [Digital nomads in the modern labor market]. *Central Asian Economic Review*, (2).

14. Government of Estonia (2020) Digital Nomad Visa Program. Available at: <https://e-resident.gov.ee/nomadvisa> (accessed: 16.10.2025).
15. Savory & Partners (2025) Croatia Expands Digital Nomad Visa to Allow Up to 3 Years of Legal Stay. Available at: <https://www.savoryandpartners.com/news/croatia-digital-nomad-visa-3-year-extension> (accessed: 16.10.2025).
16. Abreu, M. and Sampaio, L.P. (2025) An insight into the Journey of Digital Nomads in Portugal. *Journal of Business and Tourism Studies*, Special Issue, pp. 158–169. <https://doi.org/10.54663/2182-9306.2025.SpecialIssueMBP.158-169>
17. OECD (2022) Should OECD countries develop new Digital Nomad Visas? Paris: OECD Publishing. Available at: [https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/07/should-oecd-countries-develop-new-digital-nomad-visas\\_4d283d33/4d425e15-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/07/should-oecd-countries-develop-new-digital-nomad-visas_4d283d33/4d425e15-en.pdf) (accessed: 16.10.2025).

#### **Information about the authors:**

**Nurgaliyeva Y.** – Doctor of Law, Professor, Department of Constitutional and Civil Law, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010000, Astana, Kazakhstan

**Baimakhanova A.** – corresponding author, PhD student, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010000, Astana, Kazakhstan

**Makrushin A.** – Master of Law, Lecturer, Department of Constitutional and Civil Law, Faculty of Law, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010000, Astana, Kazakhstan

**Нұргалиева Е.Н.** – заң ғылымдарының докторы, Л.Н. Гумилев атындағы Еуразия ұлттық университеті конституциялық және азаматтық құқық кафедрасының профессоры, Сәтпаев көш. 2, 010000, Астана, Қазақстан

**Баймаханова А.С.** – хат-хабар авторы, Л.Н. Гумилев атындағы Еуразия ұлттық университетінің докторанты, Сәтпаев көш. 2, Астана, Қазақстан

**Макрушин А.О.** – заң ғылымдарының магистрі, Л.Н. Гумилев атындағы Еуразия ұлттық университетінің заң факультетінің конституциялық және азаматтық құқық кафедрасының оқытушысы, Сәтпаев көш. 2, 010000, Астана, Қазақстан

**Нұргалиева Е.Н.** – доктор юридических наук, профессор кафедры конституционного и гражданского права, Евразийский национальный университет имени Л.Н. Гумилева, ул. Сатпаева 2, 010000, Астана, Казахстан

**Баймаханова А.С.** – автор для корреспонденции, докторант, Евразийский национальный университет имени Л.Н. Гумилева, ул. Сатпаева 2, 010000, Астана, Казахстан

**Макрушин А.О.** – магистр юридических наук, преподаватель кафедры конституционного и гражданского права юридического факультета, Евразийский национальный университет имени Л.Н. Гумилева, ул. Сатпаева 2, 010000, Астана, Казахстан



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY NC) license (<https://creativecommons.org/licenses/by-nc/4.0/>).