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National approaches to ensuring responsible animal treatment through state mechanisms

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Abstract. Kazakhstan's official system for guaranteeing the humane treatment of animals is examined in this article. The Law of the Republic of Kazakhstan "On Responsible Treatment of Animals," enacted on December 30, 2021 (hereinafter – "LRTA"), which established the framework for the establishment of a new legal institution, is examined in particular. The authors consider the theoretical and legal nature of the concepts of "state regulation" and "public administration," disclosing their specificity and delimitation in relation to the sphere of animal protection.

The study organizes the mechanism's primary functions, including information gathering and analysis, cadastre and state record maintenance, strategic direction development, lawmaking, resource allocation, control and supervision, and educational activities. It is noted that the effectiveness of legal regulation largely depends on the coordinated interaction of state bodies and the completeness of legislative consolidation of functions. The necessity of supplementing the law with provisions on state control and civic education is substantiated, since only a comprehensive approach that combines administrative and educational measures can ensure the sustainable formation of a culture of humane treatment of animals. The authors conclude that further development of legislation in this field is a necessary condition for strengthening the system of environmental law and implementing the principles of humanism in modern society.

Keywords: animals, responsible treatment of animals, legal mechanism, state regulation, public administration, legal personality of animals, Kazakhstan.

Introduction

The relevance of this issue stems from the formation of a new legal institution in Kazakhstan aimed at ensuring the responsible treatment of animals. While state regulation during the Soviet

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and post-Soviet periods was primarily limited to the protection of wildlife and farm animals, the current stage is characterized by an expansion of scope to encompass all categories of animals, including domestic, laboratory, and stray animals.

The adoption of the 2021 Law has highlighted the need for a scientific understanding of the legal mechanism, identification of its strengths and weaknesses, including the development of suggestions for enhancement. In the context of globalization and growing international attention to animal protection issues, Kazakhstan must not only formally establish norms but also ensure their effective implementation. The introduction of educational and awareness-raising functions is particularly crucial, as without them, it is impossible to foster a sustainable culture of humane treatment of animals among citizens.

As a result, the subject at hand has significant theoretical and practical implications for the advancement of the country's legal system and the fortification of its humanistic underpinnings.

Recent research also notes that the legal protection of animals in Kazakhstan remains at an early stage of development and requires comprehensive scientific analysis aimed at improving the current legislative framework. Particular attention in the literature is paid to the study of international experience, especially the legal models of European states, where the protection of animals is based on the recognition of animals as sentient beings capable of experiencing pain and suffering, which significantly influences the development of modern legal approaches in this field [1].

Resources and Methods of Research. The methodological framework of the research is grounded in both general scientific principles and specific cognitive approaches characteristic of legal epistemology, adapted to the study of animal law as an emerging interdisciplinary domain at the intersection of legal, ethical, and ecological knowledge.

The dialectical approach was used, allowing for the examination of the state mechanism for ensuring responsible treatment of animals in the dynamics of its formation and development. The comparative legal method was used to identify the features of national regulation in comparison with foreign approaches and international standards. The formal-legal method was utilized in the examination of the Republic of Kazakhstan's regulatory laws, including the LRTA and related environmental legislation. The systematic method enabled the study of the mechanism as a holistic set of interconnected institutions, norms, and functions.

Comparative legal analysis in this study is employed as an auxiliary method aimed at identifying general patterns in the formation of mechanisms for ensuring humane treatment of animals. International experience demonstrates that even in countries with a long-standing tradition of animal protection legislation, persistent problems remain in the areas of law enforcement, institutional coordination, and the effectiveness of state control. Similar conclusions are reached in recent research on international experience in animal rights protection, where it is noted that even in countries with highly developed legal systems, the implementation of animal welfare legislation requires complex institutional mechanisms and long-term policy development. The comparative analysis of European and Asian legal systems confirms that effective protection of animals is closely linked with the formation of specialized regulatory institutions and public awareness programs [1]. In particular, analytical materials of the European Parliament and the Council of Europe emphasize that the existence of a well-developed regulatory framework does not in itself guarantee the automatic observance of animal welfare requirements without adequate administrative and organizational support.

The above considerations make it possible to view the Kazakhstani model not as an isolated phenomenon, but as part of a broader trend characteristic of states at the stage of forming an independent legal institution for the protection of animals. In this regard, comparative legal material is used not for the mechanical borrowing of foreign solutions, but to substantiate the universal role of such elements of the state mechanism as control, education, and public awareness-raising, adapted to national conditions.

The empirical basis included provisions of domestic laws and regulations, the practices of authorized state bodies, as well as statistical data on animal treatment. The theoretical foundation was formed by the research conducted by both domestic and international environmental and administrative law, focusing on the issues of animal protection and the development of legal mechanisms for their safeguarding.

Problem Statement and Status

The study of the mechanism in question would be incomplete without its definition. When considering the concept of "state mechanism for ensuring responsible treatment of animals," it is necessary to start from the general understanding of a mechanism.

This concept has been discussed repeatedly in the works of environmental scientists [2].

Scientists' interest in this category stems from the fact that the designation of a mechanical device (originating from the Greek "mechane" - machine) is used in the context of depicting motion. Thus, Bekisheva S.D. noted that the category "mechanism" was "developed to reflect the moment of motion and dynamics, in contrast to the static and frozen" [2, 106]. Indeed, the elements of a mechanism, interacting with each other, lead to a dynamic process of movement.

When applied to social systems, this concept has been adapted and is viewed as "a special system of interaction, between the elements of which differentiated connections operate, and which is based on the principle of action, accepted simultaneously as a way of organizing content and as a specific method of implementing a function" [3].

However, this definition does not adequately highlight the existence of social interrelations among the elements within the system. Therefore, it is appropriate to introduce two additional definitions of the mechanism for illustrative purposes.

According to M. Abdraimova, "the organizational and legal mechanism for ensuring environmental safety is a combination of internal and external factors, institutions, legal means, and instruments that provide for the organizing activities of states, international and national organizations, and other structures for environmental protection and rational use of natural resources in order to create conditions for safeguarding legally protected environmental interests and rights of individuals, society, and the state from threats arising from anthropogenic and natural impacts on the environment" [4].

A narrower and more concise definition is given in the doctoral dissertation of S.D. Bekisheva:

"The state-legal mechanism for ensuring environmental safety can be defined as a set of internal factors, institutions, and means that ensure the activities of relevant state bodies to prevent the harmful consequences of economic development on nature and humans, preserve, reproduce, and rationally use natural resources, and maintain a favorable state of the human environment" [4, 112].

The narrowing of the definition in this case occurred by extracting the state-legal mechanism as a variety from the broader definition of "organizational-legal mechanism," since the latter also includes "social" and the so-called "production" mechanisms [4,113]. This classification is made based on the subject characteristic, depending on who carries out the management functions - the state, public organizations, or economic entities.

Additionally, the sphere of management influence has been narrowed from international to the national level, as M.Zh. Abdraimova considers international organizations as subjects [4, 10].

At the same time, we think that the subject's central position in the management process must be emphasized while defining the state-legal mechanism.

We have reviewed a number of additional publications by Kazakhstani academics that looked at how state governance functions in connection to social dynamics that influence wildlife use and protection. Therefore, the notion of state management in the area of wildlife conservation and usage is taken into consideration in Tundikbayev's work; the definition itself and the term "state-legal mechanism" are not examined, but an analysis of the opinions of several scientists on this issue is provided [5].

In I.M. Smatov's dissertation, the definition of the organizational and legal mechanism for implementing the norms on the right to use wildlife is provided, but it utilizes the main elements of the framework proposed by M.Zh. Abdraimova [6].

Thus, in the scientific works of environmental scientists, one can discern two main approaches to formulating the category of "mechanism."

The first is represented by the aforementioned definitions and emphasizes the means and tools used to organize activities.

The second approach was considered in the works of renowned authorities of the last century - S.B. Baisalov, A.E. Erenov, O.S. Kolbasov, Yu.S. Shemshuchenko.

For example, according to S.B. Baisalov and A.E. Erenov, "the legal framework established to safeguard the environment is a comprehensive system of bodies, institutions, and legal means through which the implementation of the environmental functions of our state and law is ensured" [7].

It appears that this definition should be taken as the foundation for developing the legal construct of a "state mechanism for ensuring responsible treatment of animals," as it emphasizes both the entities carrying out the management process and the legal means - the norms - that are utilized in this process. Additionally, it indicates the process itself - the performance of functions.

Thus, the state mechanism for ensuring responsible treatment of animals is a system of state bodies, institutions, and legal instruments that ensure moral and humane treatment of animals and their protection from cruelty.

The categories of public administration, state regulation, control, and coordination used in this study belong to the fundamental institutions of public law and are well-developed in the theory of administrative and environmental law. However, their application to the sphere of responsible treatment of animals possesses independent scholarly novelty, since these institutions have previously been examined primarily in the context of environmental protection, rational natural resource management, and veterinary supervision. The recognition of animals as an object or even a subject of legal protection, based not only on consumer-oriented but also on humanistic and ethical criteria, transforms the content of administrative functions and necessitates their reconsideration.

Unlike traditional objects of public administration, animals within the framework of legislation on responsible treatment are not reduced to the category of property or a natural resource. This circumstance predetermines the specificity of legal instruments employed, including the prioritization of preventive, educational, and coordinative mechanisms over purely repressive

measures. In this sense, the analysis of well-established institutions of public administration in a new substantive domain is aimed not at their reproduction, but at identifying the limits of their applicability and the directions of their functional transformation.

Analysis of elements of the state mechanism

The components of this mechanism include the institutions and state bodies that deal with the issue of ensuring that animals are treated responsibly; the set of legal standards found in the Republic of Kazakhstan's legislation that these bodies implement; and the actual procedure by which state bodies carry out their duties.

This mechanism is very complex, as many government bodies are responsible for the treatment of animals. This is due to the fact that there are various categories of animals that fall under the scope of the Law "On Responsible Treatment of Animals."

These categories are listed in Article 1 of the Law, which contains the definitions. They include wild animals (subparagraph 2), stray animals (subparagraph 18), unsupervised animals (subparagraph 19), service animals (subparagraph 20), and domestic animals (companion animals) (subparagraph 24).

In addition, the provisions of the law regulate relationships with agricultural animals, experimental (laboratory) animals, and animals kept in captivity and/or) semi-free conditions.

Each category of animals is unique; therefore, state regulation and management of their treatment have their own specific nuances.

These are as follows:

1) Animal habitats. Wild animals reside in natural environments, far from populated areas. Agricultural animals are found on farmlands and in agricultural settlements. Domestic animals, when not out for walks, have their habitat limited to homes, which government officials can only enter in exceptional cases. The habitat of animals plays a role in delineating the competencies of several state bodies. The Republic of Kazakhstan's Ministry of Ecology and Natural Resources' Forestry and Wildlife Committee is in charge of wildlife. The Department of Livestock and the Veterinary Control and Supervision Committee of the Ministry of Agriculture of the Republic of Kazakhstan are in charge of agricultural animals. Domestic animals outside their owners' homes fall under the purview of local executive bodies.

2) Animal categories. This affects the need for additional management and regulatory tools. For instance, the use of laboratory animals requires additional regulation to ensure sanitary and hygienic safety.

State authorities and their officials employ the full spectrum of regulatory and legal instruments in the course of governance and regulatory activity. These instruments can be systematized according to the categories of animals whose welfare and interests constitute the focus of administrative management.

In addition, both legislative and departmental normative acts are applied, ensuring legal regulation at every stage of this process.

Management functions are contained in the Republic of Kazakhstan's Laws "On Responsible Treatment of Animals", [8] "On Protection, Reproduction and Use of Wildlife", [8] "On Local State Administration and Self-Government in the Republic of Kazakhstan," "On Livestock Breeding", [8] "On Livestock 1998", and "On Veterinary Medicine" of July 10, 2002, as well as several underpinning regulatory acts that establish standards for the treatment of all animal categories.

In the LRTA itself, the competence of state bodies is established in Chapter 2, "State Regulation and Management in the Field of Responsible Treatment of Animals."

The legislator uses two terms here - "state regulation" and "state management," distinguishing between them but not specifying the fundamental difference.

In the legal literature of the Soviet period, and even today, the term "management" was and continues to be used.

"Management is an element, a function of organized systems of various natures (biological, social, technical), ensuring the preservation of their specific structure, maintaining the mode of operation, implementing the program, and achieving the goals of activity" [9].

This term is used in almost all spheres of activity. Currently, the legislator uses the concept of "regulation" alongside this term in almost all laws.

Many definitions of management and regulation present them as activities aimed at ensuring consistency and orderliness in the joint actions of subordinate entities. And this is indeed the case. However, the fundamental difference, in our opinion, lies in the degree of influence on the managed object: in management, it is more authoritative and reinforced by the state's coercive power, including administrative and punitive measures in case of deviation from proper behavior.

Some scholars adhere to this view. For instance, according to O.S. Elkina, "these are concepts of different levels, and it is not legitimate to substitute one for another. Regardless of the type of system, the basic goal of regulation is to keep it stable." However, the author considers regulation to be a "component of management" [10].

The difference between the concepts under consideration is also pointed out by the well-known Kazakhstani scientist Zh.Kh. Kosanov in relation to land matters: "State management of land use is changing to state regulation, which is a qualitatively different form of legal influence" [11].

The term "state regulation" should be used when ordering the activities of sufficiently autonomous entities, where the state cannot interfere or use command-administrative methods. This influence is advisory in nature. This is characteristic of the current organization of socio-economic activity.

The legislator may have implied that state bodies had more administrative and authoritative authority over some topics than others by using the terms "state regulation" and "state administration" interchangeably.

Terminologically, we would distinguish these two concepts as follows.

To establish and codify (through subordinate regulatory acts and other legal instruments), maintain, ensure, and guarantee the practical implementation of moral and humane treatment of animals and their protection from cruelty, state regulation in the area of responsible animal care is made up of the executive and administrative actions of authorized state entities.

The executive and administrative activities of authorized state entities aimed at [9] promoting ethical and humane treatment of animals in society and safeguarding them from cruelty through administrative and authoritative powers constitute state management in the area of responsible animal treatment.

Without taking into account its content or its primary purposes, a study of a legal phenomenon like state regulation and administration in the area of responsible animal treatment would be lacking.

"Functions occupy a special place in the management system and play a key role in its formation" [11].

"The role of management is the direction of activity of an environmental management entity or group of entities in organizing environmental protection and the use of natural resources, as enshrined in legislative and other regulatory acts [12].

The following features are characteristic of state administration functions:

- 1) the management subject belongs to the system of public authority;
- 2) the role of the management subject is enshrined in regulatory legal acts governing its powers as an authorized body;
- 3) authorities are used on behalf of the government;
- 4) administrative powers, including enforcement capacity to impose punishments, issue instructions, grant permits, and set prohibitions, are granted to the management subject in order to carry out the role.

In relation to state regulation and management in the field of responsible animal treatment, the following functions can be differentiated:

- a) gathering, analyzing, and evaluating primary and secondary data on animals, including tracking and observing the condition of wildlife;
- b) maintaining cadastres and accounting for animals;
- c) formulating a plan for the responsible treatment of animals (through targeted national and regional programs and other action plans);
- d) coordinating regulations in this field; e) creating rules;
- f) allocating and redistributing animals among users, including granting usage permits (for state-owned wild animals);
- g) managing and overseeing;
- h) educating and training.

Results and discussion

The following are the issues with recognizing and codifying in law the roles of state administration and control in the area of humane treatment of animals:

First of all, it should be mentioned that the Republic of Kazakhstan's system of state regulatory and administrative bodies in the area of responsible animal treatment now consists of executive authorities like [12] the Government of the Republic of Kazakhstan and local executive bodies in addition to state administration bodies in the strict sense, such as ministries, departments, committees, and agencies.

The execution of ownership rights over the Republic of Kazakhstan's wildlife, or the exercise of the right to own, use, and dispose of the state money, should thus have been represented in some way in this list. However, it is impractical to single it out as a separate function, as it is "dissolved" among the aforementioned functions.

There is a need for their legal consolidation and provision if we believe that the suggested list of duties for state regulation and administration in the area of responsible animal treatment is ideal. As a result, regulatory legal acts should reflect this process and cover the activities not specifically listed in the relevant agencies' areas of competence.

A characteristic feature of the current stage in the development of legislation on the responsible treatment of animals in the Republic of Kazakhstan is the limited and fragmented nature of law-enforcement practice. Despite the formal establishment of administrative and criminal liability for cruelty to animals, to date, there is no stable or systematized body of judicial practice that would allow one to speak of established court positions or uniform application of legal norms. An analysis of open sources, including official information released by the General

Prosecutor's Office and the Ministry of Internal Affairs of the Republic of Kazakhstan, indicates the predominance of isolated cases of bringing offenders to legal responsibility.

This situation should be viewed not only as a practical problem, but also as a natural stage in the formation of a new legal institution, since legislation on the responsible treatment of animals in Kazakhstan is innovative in nature and previously lacked an independent subject of legal regulation. Legal scholarship notes that at the early stages of the development of animal law, there is often an enforcement gap – a discrepancy between the normative consolidation of humanistic requirements and their actual implementation, caused by the absence of specialized institutions, insufficient training of law-enforcement actors, and weak institutional infrastructure [13].

In this context, the limited empirical material becomes an object of scholarly analysis, making it possible to identify specific barriers to the implementation of the law and to substantiate the need for the further development of state control mechanisms and the improvement of law-enforcement effectiveness.

Thus, the limited scope of law-enforcement practice, the reliance on fundamental institutions of public administration, and the use of a comparative legal approach do not diminish the scholarly significance of the study, but rather reflect the objective features of the formation of a new legal institution. The scientific value of the analysis lies in identifying systemic problems and substantiating directions for the further development of legislation and law-enforcement practice in the field of responsible treatment of animals.

Let's examine each of the functions listed above.

a) collection of primary and subsequent information about animals, their analysis and evaluation, including monitoring - observation of the state of wildlife.

Any management begins with the collection of primary information, which is subsequently supplemented, systematized, and updated.

Information gathering is established in compliance with wildlife legislation. The Rules for State Registration, Cadastre, and Wildlife Monitoring have been prepared in accordance with the Republic of Kazakhstan's June 26, 2015, Order No. 18-03/577 of the Minister of Agriculture.

State cadastre, state monitoring, state registration, and other data collected by the authorized authority and/or) Its subordinate organizations while they are carrying out their duties are all sources of information about wild animals.

The goal of state monitoring is to ensure the steady presence of wildlife by a system of observations, evaluations, and forecasts of its condition and dynamics.

The Committee on Forestry and Wildlife, functioning under the Ministry of Ecology and Natural Resources, serves as the duly authorized governmental body of the Republic of Kazakhstan responsible for state policy and regulatory oversight in the field of forestry and wildlife management [12], along with its territorial bodies and subordinate state institutions, carry out state monitoring across the country's territory in accordance with a unified system.

Regional executive bodies in charge of defense, protection, forest fund utilization, forest reproduction, and afforestation prepare and submit materials on state forest monitoring to the authorized authority.

Republican, regional, and local state monitoring can be differentiated based on territoriality.

Monitoring activities include: 1) conducting systematic observations; 2) assessing the state of wildlife; 3) developing recommendations for regulating animal populations; 4) creating forecasts for specific time periods.

The work carried out is reflected in operational summaries, reports, recommendations, and scientific forecasts, accompanied by diagrams and tables characterizing the dynamics of animal populations and the development of changes, especially those of a negative nature.

The outcomes of state monitoring are recorded on paper as well as through the use of electronic technologies for data collection, processing, and storage.

Closely intertwined with the first function is the second one - b) animal accounting and maintaining a cadastre.

Animals are registered with the state in order to coordinate their conservation, protection, and reproduction; to systematically track changes in both quantity and quality; and to disseminate information about wildlife to state agencies, interested parties, and legal entities.

State registration data is used in maintaining the state cadastre.

The feasibility of implementing a cadastre in this field is due to objective factors: 1) the state's need for cadastral data on natural resources, stemming from their socio-economic, cultural, and health-improving value; the technical possibility of cadastral registration taking into account scientific and technological progress [14].

Animal species' status and geographic distribution, population sizes, the outcomes of routine observations, the amount of their economic use, and other pertinent information are all included in the state cadastre.

Hunting entities, territorial subdivisions of the authorized body, specially protected natural areas, and state institutions to which territories and water bodies serving as wildlife habitats are assigned, participate in maintaining records and the state forest cadastre.

Information collection and accounting are also conducted for other categories. For example, records of domestic animals are maintained, with information collected by veterinary clinics and consolidated in local executive bodies.

Information on breeding animals is also gathered, and a national register of breeding animals is maintained.

c) determining a strategy for the responsible treatment of animals (in the form of national and regional targeted programs and other action plans).

According to Article 6 of the Law of the Republic of Kazakhstan "On Responsible Treatment of Animals," the Government of the Republic of Kazakhstan formulates the primary axes of state policy for the humane treatment of animals.

State policy for the humane treatment of animals is developed and carried out by the Forestry and Wildlife Committee.

Unfortunately, there are no explicit declarations in this section regarding the local administrative authorities of regions (the capital and cities of republican importance), which should regularly develop and implement regional animal protection plans in collaboration with the relevant entity.

The next function is – c) coordination of regulation in this area.

Coordination is generally understood as the harmonized regulation of actions and cooperation between governing entities of state administration in relation to managed entities.

The effectiveness of state bodies depends on joint and coordinated activities. The legislation of Kazakhstan designates the Forestry and Wildlife Committee as the coordinator, which handles administration and cross-cutting collaboration in the area of ethical animal care.

d) norm-setting is the next function.

The primary function of the Forestry and Wildlife Committee is rulemaking, as indicated by Article 7 "Competence of the Authorized Body in the Field of Responsible Animal Management"

of the Law of the Republic of Kazakhstan "On Responsible Animal Management," which lists all regulatory legal acts created by the committee. These include lists of animal categories, regulations for their registration, use, maintenance, transportation, vaccination and sterilization, and public control.

Article 8 of the Law states that legislation pertaining to the keeping and walking of domestic animals, as well as the capture, temporary lodging, and death of animals in the context of responsible animal management, is authorized by local representative bodies of regions, republican cities, and the capital.

Local executive bodies of regions (the capital and cities of republican significance) create subordinate regulatory legal acts at the local level, such as guidelines for pet ownership and walking, e) the distribution and redistribution of animals among users, and the granting of use permits (including for wild animals that are state property, which includes the state's rights as the owner of the Republic of Kazakhstan's animal kingdom).

Wildlife ownership, use, and disposal rights are exercised by the Government of the Republic of Kazakhstan. Permits for the use of wildlife are issued by the Fisheries Committee of the Ministry of Ecology, Geology, and Natural Resources of the Republic of Kazakhstan as well as by local executive bodies in accordance with the Rules for Issuing Permits for the Use of Wildlife, which were authorized by the Order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated December 19, 2014 No. 18-04/675.

The next function is g) control and supervision [15].

Some authors claim that supervision and control are very different, with the former's non-interference in the watched entities' economic and operational operations and the absence of administrative actions being two of its traits [15]. Although supervision remains the prerogative of the prosecutor's office, it can be said that it is also carried out by administrative bodies.

State control in this area is not reflected in the main law - "On Responsible Treatment of Animals," while public control is described in detail. We believe that this law should include the function of state control, especially since it is already reflected at the subordinate level. The responsibilities of this institution are outlined in the Republican State Institution Regulation "Committee of Forestry and Wildlife [15] of the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan," which was approved by Order No. 32-Ө of the Acting Minister of Ecology and Natural Resources of the Republic of Kazakhstan on February 3, 2023.

The activity of the authorized body to confirm that people and legal entities are adhering to the laws pertaining to the moral and humane treatment of animals, protecting them from cruel treatment, taking action to prevent or eradicate violations, and holding those who violate these laws accountable is known as state control in the area of responsible animal care.

This kind of control is assigned to the Committee of Forestry and Wildlife and its territorial bodies, as well as other state bodies within their competence established by the legislative acts of the Republic of Kazakhstan.

According to the law of the Republic of Kazakhstan, officials are entitled to report administrative offenses in this area, visit organizations without restriction to conduct inspections, file claims against individuals and legal entities for damages to the state, inspect the operations of controlled entities, and give written instructions to individuals and legal entities to correct deficiencies found, among other rights.

The next function is z) education and upbringing. Education and thorough training in this field should be organized by authorized organizations. This is an extremely significant function.

However, the LRTA contains only one subparagraph 3 of paragraph 1 of Article 9, stating that local executive bodies organize information support for animal shelter activities and social advertising aimed at transferring animals to new owners, searching for owners of lost animals, and informing about the need to sterilize domestic animals.

At the same time, modern environmental law increasingly considers animals as an integral component of ecological systems whose protection is essential for maintaining biodiversity and ecological balance. Therefore, the legal regulation of relations in this sphere should be based on a comprehensive approach that combines environmental protection mechanisms with sustainable management of natural resources [16].

According to paragraph 2 of Article 9 of the Law, local executive authorities have the authority to plan the establishment and upkeep of animal shelters and to jointly fund private animal shelters in accordance with the Republic of Kazakhstan law.

From our point of view, this should be established as an obligation, not a right, since in practice, most animal nurseries and shelters exist solely through voluntary donations from citizens and volunteer work.

Conclusion

Taking into account the way management and regulation are organized in the sphere of ensuring the responsible treatment of animals in Kazakhstan, several conclusions can be made.

1. A new phase in the enhancement of social relations between society and animals has begun and continues in Kazakhstan. At this stage, active state intervention is necessary to promote humane treatment of animals.

2. Simultaneously, the process of forming a system of legal norms in this field, as well as the conceptual framework, has started. In order to further develop the theory of this new legal institution, the following definitions are proposed:

The state's system for guaranteeing that animals are treated responsibly is a system of government agencies, organizations, and legal tools that ensure animals are treated ethically and humanely and are shielded from inhumane treatment.

Government regulation in the area of treating animals responsibly is the executive and administrative duties of designated state bodies, directed toward creating and consolidating (through subordinate regulations and other legal acts), supporting, ensuring, and guaranteeing the practical implementation of moral and humane treatment of animals and their protection from cruel treatment [14].

State management in the area of treating animals responsibly is the executive and administrative activity of authorized state bodies directed at organizing moral and humane treatment of animals in society, ensuring their protection from cruel treatment [15] through administrative and coercive powers.

3. Functions of state regulation and management in the field of responsible treatment of animals include:

- a) gathering primary and secondary data on animals, analyzing and evaluating it, and monitoring and observing the state of wildlife objects;
- b) registering animals and keeping a cadastre;
- c) formulating a plan for the responsible treatment of animals (through national and regional target programs and other action plans);

- d) coordinating regulations in this area;
- e) drafting laws (rules);
- f) distribution and redistribution of animals among users, including the issuance of permits for their use (with respect to wild animals that are the property of the state);
- g) control and supervision;
- h) education and awareness-raising.

Not all of the aforementioned duties are covered by the Republic of Kazakhstan's applicable laws. Therefore, in order to establish or more precisely define these functions, rule-making procedures and legal standards must be introduced.

3. A chapter devoted to official oversight and control over adherence to the laws of the Republic of Kazakhstan regarding the guarantee of humane treatment of animals should be included in the LRTA. This chapter should include provisions on the following: the objects of control and supervision, the rights and duties of state inspectors, and the procedure for applying operational response measures.

4. The Law should also be supplemented with a chapter on education, training, and public awareness in the field of ensuring the responsible treatment of animals. Changing society's attitude toward animals cannot be achieved solely through administrative and repressive measures; rather, it requires a long-term process of fostering in citizens a culture of humane and careful treatment of animals. To this end, all tools of advocacy, public outreach, and educational processes must be employed.

5. The following amendment is suggested for paragraph 2 of Article 9 of the Law:

“2. In accordance with the Republic of Kazakhstan's laws, local executive authorities are required to coordinate the establishment and upkeep of animal shelters and to co-finance private animal shelters.”

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Mukasheva A.A. – carried out analytical work, contributed to the discussion of the research findings, and provided input to the drafting of the introduction.

Narzullaev O.Kh. – contributed through the application of dialectical, comparative, systemic, and formal-legal methods; drafted sections of the introduction and conclusion; suggested refinements to the abstract and keywords; and participated in the discussion and finalization of results.

Nurekeshev T.K. – applied systemic and formal-legal methods; drafted parts of the conclusion; suggested refinements to the abstract and keywords; and contributed to the discussion and finalization of results.

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Жануарларға жауапты қарауды мемлекеттік тетіктер арқылы қамтамасыз етудің ұлттық тәсілдері

Аңдатпа. Мақалада Қазақстан Республикасындағы жануарларға жауапты қарауды қамтамасыз етудің мемлекеттік тетігі қарастырылады. Ерекше назар 2021 жылғы 30 желтоқсанда қабылданған «Жануарларға жауапты қарау туралы» ҚР Заңына аударылып, ол жаңа құқықтық институтты қалыптастырудың бастауы болғаны айтылады. Авторлар «мемлекеттік реттеу»

және «мемлекеттік басқару» ұғымдарының теориялық-құқықтық табиғатын қарастырып, олардың ерекшеліктері мен жануарларды қорғау саласындағы шектелуін ашады.

Ғылыми жұмыста механизмнің негізгі функциялары жүйеленген: ақпарат жинау және талдау, мемлекеттік есеп пен кадастр жүргізу, стратегиялық бағыттарды әзірлеу, органдардың қызметін үйлестіру, нормашығармашылық, ресурстарды бөлу, бақылау мен қадағалау, сондай-ақ ағартушылық қызмет. Құқықтық реттеудің тиімділігі көбіне мемлекеттік органдардың келісілген өзара іс-қимылына және функциялардың заңнамалық тұрғыдан толық бекітілуіне байланысты екені атап өтіледі. Заңды мемлекеттік бақылау мен азаматтарды тәрбиелеуге қатысты нормалармен толықтыру қажеттілігі дәлелденген, өйткені тек әкімшілік-құқықтық және білім беру шараларын ұштастырған кешенді тәсіл ғана жануарларға ізгілікпен қарау мәдениетін орнықты қалыптастыра алады. Авторлар бұл саладағы заңнаманы одан әрі дамыту экологиялық құқық жүйесін нығайтудың және қазіргі қоғамдағы гуманизм қағидаттарын іске асырудың қажетті шарты деген қорытындыға келеді.

Түйін сөздер: жануарлар, жануарларға жауапты қарау, құқықтық тетік, мемлекеттік реттеу, мемлекеттік басқару, жануарлардың құқықсубъектілігі, Қазақстан.

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Национальные подходы к обеспечению ответственного обращения с животными через государственные механизмы

Аннотация. В статье исследуется государственный механизм обеспечения ответственного обращения с животными в Республике Казахстан. Особое внимание уделено анализу Закона РК «Об ответственном обращении с животными» от 30 декабря 2021 года, который положил начало формированию нового правового института. Авторы рассматривают теоретико-правовую природу понятий «государственное регулирование» и «государственное управление», раскрывают их специфику и разграничение применительно к сфере защиты животных.

В научной работе систематизированы основные функции механизма: сбор и анализ информации, ведение государственного учета и кадастра, выработка стратегических направлений, координация деятельности органов, нормотворчество, распределение ресурсов, контроль и надзор, а также просветительская деятельность. Отмечается, что эффективность правового регулирования во многом зависит от согласованного взаимодействия государственных органов и полноты законодательного закрепления функций. Доказана необходимость дополнения закона положениями о государственном контроле и воспитании граждан, поскольку только комплексный подход, сочетающий административно-правовые и образовательные меры, способен обеспечить устойчивое формирование культуры гуманного отношения к животным. Авторы пришли к выводу, что дальнейшее развитие законодательства в данной сфере является необходимым условием укрепления системы экологического права и реализации принципов гуманизма в современном обществе.

Ключевые слова: животные, ответственное обращение с животными, правовой механизм, государственное регулирование, государственное управление, правосубъектность животных, Казахстан.

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