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Scientific article

Criminal Liability of Minors for Offenses in the Field of Informatization and Communications

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Abstract. The article examines issues of the legal responsibility of minors for administrative and criminal offenses in the field of informatization and communications in the context of rapid digitalization. The purpose of the study is to analyze the specific features of holding minors legally liable for offenses in the digital environment and to develop scientifically grounded recommendations for improving legislation and law enforcement practice, taking into account age-related, psychological, and social characteristics. The methodological framework is based on general scientific and special legal methods, including analysis and synthesis, induction and deduction, formal legal and comparative legal methods, as well as the analysis of statistical data and law enforcement practice in the Republic of Kazakhstan and selected foreign jurisdictions.

The results show that minors' involvement in digital offenses is driven by technological accessibility, insufficient legal and digital culture, and psychological immaturity associated with incomplete legal awareness. The scientific value of the study lies in the systematization of approaches to juvenile liability for cyber offenses. The practical significance consists in the applicability of the findings to preventive programs, educational initiatives aimed at improving adolescents' legal and digital culture, and the further development of legislation and law enforcement practice in the field of informatization and communications.

Keywords: minors, cybercrime, offenses in the field of informatization and communications, administrative liability, criminal liability, digital culture, information security.

Introduction

In the 21st century, information and communication technology and the Internet have become indispensable parts of social life. Adults frequently utilize them for business activities, work, accessing public services, education, and leisure and entertainment. Teenagers have not

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yet fully mastered the usage culture of information communication technology and are not aware of many rules and legal norms in this field.

Nowadays, teenagers are generally able to use computers, electronic devices, the Internet, and social networks. Overall, the development of information technology has opened up broad prospects for science, education, and interpersonal communication. These technologies are equally crucial for minors, who use them for communication and to acquire knowledge. However, there are also some minors engaging in illegal activities in the field of information technology and communication. "In fact, cybercrime among teenagers has become a widespread problem in many developed countries with internet and communication networks" [1]. For example, "In Russia, one out of every five crimes in the field of information technology is committed by minors" [2]. In the United States, the average age of arrest for various crimes is 37 years old, while in the field of cybercrime, this figure drops to 19 years old. Although the crime rate has generally decreased since 2013, the number of cybercrimes continues to rise, reflecting the profound changes in the impact of technology on the identity, social relationships, and deviant behaviors of young people. Over the past decade, the development of game platforms, online forums, new communication tools, and artificial intelligence has significantly broadened and accelerated the ways for teenagers to engage in cybercrime [3]. A survey of 8,000 teenagers aged 16 to 19 in nine European countries showed that over two-thirds of the respondents had participated in various forms of high-risk online behaviors or cybercrime activities. The data indicate a close correlation between cybercrime and cyber risks, and the same entity often commits multiple illegal acts [4]. In 2024, Kazakhstan registered 99 cases of crimes in the field of information technology and communication, of which 44 cases have been investigated, but only 36 have been referred to the court for trial. According to Article 207 of the Criminal Code of the Republic of Kazakhstan applicable to DDoS attacks, only one criminal case has been investigated and referred to the court. The majority of the 70 registered cases involved information destruction or tampering. Only 5 cases were convicted under Article 207 (illegal acquisition of information) and 24 under Article 205 (illegal acquisition of information). It is notable that 47 cases (nearly half of the total cases) were postponed due to involving three charges, 28 cases were terminated due to exceeding the statute of limitations, and 18 investigations were suspended due to reasons such as inability to determine the identity of the suspect [5].

The reported figures concerning criminal offences directly classified under the provisions of Chapter 7 of the Criminal Code of the Republic of Kazakhstan should be considered within the broader context of the growing number of offences committed through the use of information and communication technologies. According to published data, approximately 12,900 cyberspace-related offences were registered in Kazakhstan during the first half of 2023, compared with approximately 8,900 during the corresponding period of 2022, representing an increase of 46.3% [6]. This trend indicates an expansion of the digital criminal environment, in which minors may act not only as victims but also as participants in unlawful conduct. At the same time, publicly available criminal law statistics do not always provide detailed information on the ages of persons who have committed offences specifically under the provisions of Chapter 7 of the Criminal Code of the Republic of Kazakhstan. Consequently, the available figures illustrate the general criminological context but do not make it possible to determine accurately the proportion of minors among all persons involved in the commission of these offences [7].

Overall, in the field of information and communication, and during the use of information communication technology, various illegal activities can occur. The most common illegal acts

committed by minors include: hacking accounts and websites, spreading malicious programs and viruses, illegally obtaining information, fraud, phishing, copyright infringement, stealing data and funds. In some cases, there are also acts of spreading illegal, false, and destructive information. One of the most common crimes in this field is cyber fraud. Minors who have mastered certain computer programs and fraud techniques may commit fraud during online shopping. The offenders use various computer programs and internet applications to assume others' identities. Through this method, the offenders can embezzle others' funds and illegally obtain economic benefits. Another common illegal act is remote theft of others' data and funds. Some minors are proficient in programming and internet application operation skills. Some of them may use these skills for illegal purposes. Some are attracted by the opportunity to access others' personal data, bank accounts, bank cards, and other financial information without authorization. Therefore, cyber fraud has become a widespread illegal activity.

If unauthorized access to others' financial information requires considerable knowledge and skills, then spreading malicious programs and viruses may not require much expertise. Minors often consider spreading viruses and conducting hacking attacks as harmless behaviors. Some minors may be interested in cracking passwords and conducting hacking attacks. Some minors may engage in the dissemination of illegal information. This information may include databases, personal privacy, business secrets, pornographic content, defamatory information, suicidal inducement, and even incitement of hatred.

The Internet and information communication technologies have provided great opportunities for young people. Some minors may use the Internet and social media to carry out cyberbullying. The phenomenon of cyberbullying and harassment among minors is quite common. Minors may use the Internet, digital technologies, and artificial intelligence to harass, pursue, and slander their peers. In addition, they may also infringe upon copyright and related rights. Piracy or theft of intellectual property is a common illegal act. The phenomenon of minors committing illegal acts in the field of informationization and communication is on the rise. Participation in such illegal activities may be carried out through instant messaging tools and social networks.

Materials and Methods

The research materials include normative, statistical and scientific sources related to criminal liability in the field of information technology and communication. In terms of quantity, official statistics from the law enforcement agencies of the Republic of Kazakhstan were adopted, reflecting the dynamics and structure of crimes in the field of information technology and communication, as well as the results of foreign empirical studies involving 16-19-year-old respondents from multiple European countries. In terms of quality, the research foundation includes the criminal and administrative legislative norms of the Republic of Kazakhstan, international legal documents, judicial and investigative practice materials, as well as the works of domestic and foreign scholars in the fields of criminal law, criminology, juvenile justice and cyber security. Utilizing multiple sources ensures the representativeness of the materials and the reliability of the conclusions. The available empirical evidence is subject to several limitations. Although official Kazakhstani sources report general statistics on registered criminal offences and provide certain data on juvenile delinquency, published datasets do not consistently disaggregate offenders by age in relation to offences involving informatization and communications. It is therefore not always possible to determine the participation of

minors in this category of offences from the available official statistics [7; 8]. The international evidence considered in this study must also be interpreted cautiously, as the relevant studies apply different age ranges, definitions of conduct, and data-collection methods. Their findings are consequently unsuitable for straightforward quantitative comparison. International data are therefore used to identify recurring patterns, risk factors, and common forms of digital deviance, rather than to compare adolescent cybercrime rates precisely across individual countries [9]. The research raised the following questions: Which types of illegal activities in the field of information technology and communication do minors most frequently engage in; What factors lead minors to participate in illegal activities on the internet; To what extent do the legal responsibilities borne by minors for the aforementioned illegal activities conform to the principles of humanitarianism, re-education and prevention of illegal activities.

The research work assumes that the illegal activities in the field of information technology and communication committed by minors are caused by the combined effects of technical, social and psychological factors, including the popularization of digital technology, insufficient legal and digital literacy, and psychological immaturity, etc. The research believes that prioritizing individualized methods of education and prevention measures is more effective in preventing the recurrence of illegal activities on the internet than using severe criminal punishments.

The research was conducted in stages. The first stage analyzed academic literature and laws and regulations, and proposed research questions and hypotheses. The second stage studied statistical data and law enforcement practices, and conducted comparative legal analysis of foreign experiences. The final stage summarized the research results, tested the hypotheses, and proposed conclusions and recommendations.

The research methodology foundation consists of general scientific methods and special cognitive methods. Using dialectics, the legal responsibility system for minors can be examined from a dynamic perspective and in relation to the digitalization process of society. The research employed methods such as analysis and synthesis, induction and deduction. Special legal methods include: the formal legal method used when analyzing criminal and administrative law norms, as well as the comparative method, which enables us to compare the handling of minors' illegal activities on the internet in domestic and foreign countries. Additionally, criminology and sociology methods were employed, including statistical data analysis and analysis of the content of scientific literature. The comprehensive application of these materials and methods ensures the scientific nature of the research, the novelty of the conclusions, and the possibility of practical application for preventing illegal activities among minors in the digital environment.

Results and Discussion

Researchers have pointed out that the development of computers and digital technologies has made them widely accessible, including to minors. According to criminal statistics and scientific research, the age of those committing cyber crimes is showing a downward trend [10]. It can be reasonably assumed that the decline in the age of those involved in cyber illegal activities is closely related to the vigorous development of digital technologies since the beginning of the 21st century. The lower age limit for offenders is showing a downward trend and has dropped to 14-16 years old. Minors often fail to fully recognize the social harmfulness of their actions, which requires targeted publicity and prevention efforts. [11]. Scientific data indicates that although the 18-35 age group dominates among computer criminals, computer

crimes have shown a clear trend of becoming younger in recent years. Children and teenagers' early active use of digital technologies has led to an increase in the proportion of minors among computer information lawbreakers. [12]. When minors commit computer and network crimes, they may be driven by various motives and interests. The motives for minors' criminal behavior are usually to explore interests, self-affirmation, and the desire for fame. They rarely participate in gang crimes and their behaviors often stem from self-interest considerations [13]. However, in any case, the need for exploration interests and the demand for practical ability tests always remain the dominant factors [12]. "Identifying the reasons why children and teenagers engage in cyber criminal activities is of fundamental significance for formulating scientific and reasonable prevention and correction plans. Studies show that minors mainly commit illegal acts such as cyberbullying, online harassment, and unauthorized access to information systems, and their motives stem from the desire for social recognition, self-affirmation, and trying new things in the digital environment." [14].

The prevalence of digital deviant behaviour among minors is also supported by international empirical research. A survey of approximately 8,000 young people aged between 16 and 19 across several European countries found that 69% of respondents had engaged in at least one form of cyber offending, harmful behaviour, or risky online activity during the preceding year. Approximately 10% of those surveyed reported involvement in hacking attacks, cyberbullying, or the dissemination of expressions inciting hatred [4]. A study involving 327 students from an Australian secondary school likewise identified a statistically significant association between adolescents' psychological and behavioural difficulties and their involvement in cyber fraud, digital piracy, hacking, cyberbullying, and other forms of digital deviant behaviour [15]. These findings indicate that minors may simultaneously engage in several forms of unlawful or risky conduct. The analysis of individual offences should therefore be supplemented by an assessment of the broader combination of social, psychological, and behavioural factors.

The motivations of minors who commit offences in the digital environment are heterogeneous and are not invariably driven by a stable intention to obtain financial or material gain. At the initial stage, unlawful conduct may arise from curiosity, a desire to test one's technical skills, the pursuit of peer recognition, or an intention to demonstrate the ability to circumvent the restrictions of an information system [12; 14]. A distinct category consists of acts committed for entertainment, revenge, the resolution of interpersonal conflicts, or the enhancement of status within an online community. As experience accumulates, an initially experimental motivation may develop into a pecuniary one, particularly when an adolescent discovers opportunities to obtain money, personal data, or other benefits. Accordingly, the legal assessment of a digital offence committed by a minor should consider not only the immediate purpose of the act but also the degree of prior preparation, the recurrence of the conduct, peer influence, and any transition from situational curiosity to deliberate unlawful activity [9].

The conduct of minors is also influenced by the distinctive characteristics of the digital environment. The remote nature of online conduct, the possibility of using pseudonyms, the absence of direct contact with the victim, and the rapid dissemination of information may diminish the perceived seriousness of the harm caused and reinforce a sense of impunity. Peer approval assumes particular significance within adolescent online communities. A technically sophisticated act, the unauthorized access of an account, or the dissemination of humiliating content may be perceived not as an offence but as a means of enhancing one's status within the group [9; 14]. Anonymity does not, in itself, cause unlawful conduct. When combined

with impulsivity, insufficient self-control, and group influence, however, it may facilitate the transition from intention to the commission of a specific act. These circumstances should be considered when determining the offender's motive and degree of awareness and when selecting individualized intervention measures for the minor.

When minors commit illegal acts in the digital environment, they often exhibit behaviors lacking motivation or influenced by circumstances, which is due to their insufficient awareness of the legal consequences of their actions. Such illegal acts often involve objects beyond the jurisdiction of the state. Computer crimes may have a cross-border nature; regardless of whether they occur in the virtual space or target objects outside the country, they should be subject to legal assessment. Minor offenders are not always aware of this. The 2001 "International Convention on Cybercrime" established the necessity of international cooperation in investigating such behaviors and specified the classification of crimes against computer data and systems, involving the use of computer means, data content, and infringement of copyright and related rights, and also stipulated that each country has the obligation to ensure the implementation of effective and proportionate responsibility measures. Article 13 of the convention stipulates: "Each contracting party shall take necessary legislative and other measures to ensure effective, proportionate and persuasive punishment measures for those who commit criminal offenses stipulated in Articles 2 to 11, including deprivation of liberty" [16]. Thus, the Convention grants each country the right to determine the types and degrees of penalties for illegal acts in this field. Each country is striving to find the best solution for the responsibility area of minors' computer crimes. To systematize international experience, national frameworks governing the liability of minors for digital offences should be compared using a common set of criteria. These criteria include the minimum age of criminal responsibility, the range of acts involving computer information, the permissible scope of applicable sanctions, the availability of exemption from criminal liability or punishment, and the substance of educational, rehabilitative, and preventive measures. Particular attention should be paid to the relationship between punishment and alternative forms of intervention. Although international standards permit states to establish effective and proportionate sanctions, they also require due consideration of the special legal status of minors [16]. The application of these criteria makes it possible to assess international practice not as a collection of isolated examples of punishment, but as a system of legal measures simultaneously aimed at safeguarding information security, rehabilitating minors, and preventing reoffending [17; 18].

Complete non-punishment is impossible. Offenders, even if under the legal age, should still bear a certain degree of punishment to make them realize the illegality of their actions. In Canada, a 17-year-old hacker who launched cyber attacks on multiple company websites, causing millions of dollars in losses, was sentenced to 8 months in prison and fined \$160 [19]. Such a huge loss is thought-provoking. Perhaps more severe punishment measures should be taken. In Pakistan, using malicious code for criminal intent can result in a maximum sentence of 2 years in prison; in the United States, if it involves the national or financial system, the maximum sentence can be 5 years in prison. Ethiopia distinguishes responsibility based on criminal intent: those without criminal intent are subject to mild penalties, and those causing damage are sentenced to 3 months to 5 years in prison. In China, penalties are determined based on the severity of the consequences, with harsher punishments imposed when significant damage is caused; in the UK, such actions are regarded as illegal, but the specific legal details need to be further clarified [20].

A comparison of international approaches with the legislation of the Republic of Kazakhstan indicates that the principal differences concern the balance between punishment and educational

intervention. In the United States, Pakistan, China, and several other jurisdictions, the scope of liability for digital offences is determined primarily by the nature of the legally protected interest targeted by the offence, the form of culpability, and the severity of the resulting harm [20]. In addition to assessing the gravity of the act, the Kazakhstani model provides specific rules governing the sentencing of minors, the possibility of exemption from criminal liability or punishment, and the application of compulsory educational measures [21]. In this respect, Kazakhstan's approach is broadly comparable to the Russian and French models, which attach considerable importance to rehabilitating minors without removing them from the community, individualizing interventions, and promoting social rehabilitation [17; 18]. At the same time, with regard to digital offences, Kazakhstani legislation does not provide for specific educational measures directly aimed at addressing the causes of unlawful conduct in the digital environment. Such measures could include mandatory digital-safety training, counselling on the responsible use of technology, or participation in specialized programmes designed to prevent cyber reoffending.

In Kazakhstan, minors may bear various legal responsibilities for committing illegal acts, including administrative and criminal liabilities. Administrative illegal acts in the field of information technology and communication are separately listed in Chapter 31 of the "Administrative Offenses Law of the Republic of Kazakhstan". The elements constituting an illegal act include: violation of laws and regulations in the field of communication; use of communication equipment that has not passed mandatory conformity certification; violation of the operation requirements of information and electronic resource protection equipment; violation of laws and regulations related to electronic documents and electronic signatures; violation of information-related laws and regulations (Articles 637-641 of the "Administrative Offenses Law of the Republic of Kazakhstan"). The subjects of such illegal acts are mainly operators, network owners, legal persons, individual entrepreneurs, and public officials. According to Article 638 of the "Administrative Offenses Law of the Republic of Kazakhstan", minors aged 16-17 who use uncertified communication equipment can be considered as illegal subjects in form. However, in practice, such communication equipment rarely falls into the hands of minors. According to Article 639 of the "Administrative Offenses Law of the Republic of Kazakhstan", the personnel obligated to operate information and electronic resource protection equipment can become illegal subjects. The responsible entities include legal persons, individual entrepreneurs, some officials responsible for information security, system administrators, etc. However, minors almost never bear the responsibility for operating information and electronic resource protection measures. In practice, minors rarely become the subjects of violations of laws on electronic documents and electronic signatures. Minors usually do not have their own electronic signatures. But they may use others' electronic signatures or transfer electronic signature keys to others without permission. Such behaviors fall under the regulation of Article 640, Paragraphs 5 and 6 of the "Administrative Offenses Law of the Republic of Kazakhstan". According to Article 641 of the "Administrative Offenses Law of the Republic of Kazakhstan", the illegal subjects in most cases are state organs, organizations, public officials, and information system administrators. Minors are not the owners or operators of information systems and do not bear their operation and security responsibilities. However, if minors violate the established requirements in the information technology and communication field on their own, they may be held responsible.

The criminal liability of minors is an important system in the field of criminal law, and its significance goes beyond the scope of this field. It concerns the entire younger generation, so special handling methods need to be adopted. Here, we must consider the age, psychology,

physiology, and social characteristics of teenagers, and adopt personalized handling methods for the factors influencing criminal behavior. The main purpose of pursuing criminal liability should not be punitive, but rather for re-education, behavioral correction, guiding participation in beneficial social activities, and assisting reintegration into society. The purpose of applying criminal penalties should be to prevent the occurrence of future criminal acts. The key point is that the age, personality, and psychological concepts of minors are not yet mature, and their life concepts and values have not yet formed, and their immaturity. Therefore, the system of minors' liability was established. The special legal status of minors under the age of 18 means that only specific types of punishment, educational measures, restricted sentence periods, and other special provisions are applicable. This is particularly important when it comes to illegal acts in the field of information technology and communication. Regarding this issue, scholars such as A.L. Santashev et al. pointed out that the special nature of minors' criminal liability in the Republic of Kazakhstan is reflected in the specific chapters of the Criminal Code, and the basis is in line with the humanitarian principles of the United Nations international standards. The law allows minors with intellectual disabilities who cannot fully recognize or control their own behavior to be exempt from criminal liability. In general, the criminal liability of minors has limitations and differences, which are reflected in the reduction of the scope of crimes, types of penalties, and conditions, as well as the expansion of circumstances. [22].

Society has endowed teenagers with the ability to freely access the Internet, information and communication technologies, the opportunities of the digital age, and artificial intelligence. At the same time, there is a lack of effective restrictions and strict control. Therefore, the information technology revolution and the digital process have led to a sharp increase in various illegal activities, including juvenile crimes, which is not surprising. Teenagers often find it difficult to handle this freedom and opportunity, and frequently misuse various possibilities. As long as they acquire some basic knowledge and skills, they may misuse these resources. As a result, various criminal violations occur, such as illegally obtaining information; creating, using, and disseminating malicious computer programs; illegally destroying or modifying information; illegally possessing information; and other violations stipulated in Chapter 7 of the Criminal Code of the Republic of Kazakhstan. Many of these crimes are minor or medium crimes. Article 81, Paragraph 7 of the Criminal Code of Kazakhstan stipulates: "For minors who commit minor crimes or medium crimes that do not result in death, deprivation of liberty penalties shall not be imposed" [21]. Therefore, if a minor crime or medium crime is committed by a 16-18-year-old, the punishment should not be overly severe. This is crucial for determining the form, type, and degree of punishment, as well as the application of compulsory educational measures. However, there are some crimes that may prescribe more severe penalties. Article 210 of the Criminal Code of Kazakhstan stipulates a high fine and a maximum ten-year prison sentence (Article 210, Paragraph 3 of the Criminal Code of Kazakhstan). Article 211 of the Criminal Code of the Republic of Kazakhstan stipulates a maximum of seven years in prison for illegally disseminating restricted-access electronic information resources. If the court imposes imprisonment, the minor will serve their sentence in a medium-security criminal execution system institution (Article 81, Paragraph 8 of the Criminal Code of Kazakhstan). In general, when sentencing minors, in addition to the circumstances stipulated in Article 52 of the Criminal Code of Kazakhstan, their living and growth environment, psychological development level, other personality traits, and the influence of older individuals should also be considered. The age of minority as a mitigating circumstance needs to be considered in combination with other mitigating and aggravating circumstances (Article 82 of the Criminal Code of Kazakhstan).

The responsibility of minors for legal liability requires the state to adopt a prudent and responsible attitude. The court should follow humanitarian principles, the principle of giving priority to educational measures, and other principles. The basis of the legal responsibility system for minors lies in fully understanding the particularity of their social and legal status. Factors such as their physiological and psychological age, psychological immaturity, and insufficient understanding of their own behavior must be considered. A minor's psychological immaturity should not be understood solely as a lack of knowledge of legal prohibitions. Adolescence is characterized by the continuing development of the mechanisms underlying self-control, the anticipation of consequences, and decision-making. During this period, systems associated with emotional responses, reward seeking, and sensation seeking may be particularly active, whereas the capacities to inhibit impulsive responses and engage in long-term planning have not yet reached adult levels [23]. This developmental imbalance is especially evident in emotionally charged situations and under peer influence. In such circumstances, an adolescent may understand that certain conduct is formally prohibited while nevertheless underestimating the likelihood of harmful consequences [24]. In the digital environment, this tendency may be intensified by the remote nature of online conduct, the speed with which outcomes are obtained, and the absence of direct observation of the harm caused. Accordingly, the assessment of a minor's conduct should take into account not only whether the individual has reached the age of criminal responsibility, but also the individual's capacity to control impulses, assess risks, and understand the actual consequences of the specific digital act.

Sometimes, even though a minor has reached the age of criminal responsibility, their psychological development level may be insufficient, resulting in psychological immaturity. Additionally, there is an important factor - the level of social development and socialization. Social immaturity may be a factor influencing the occurrence of illegal acts. The most important is the level of legal awareness and legal education. This falls within the realm of national and social responsibilities. Educational institutions and institutions responsible for legal education and training should play an important role and should not be merely formalistic. "Timely detection of behavioral deviations of children and adolescents and providing correct educational assistance plays an important role in preventing situations that may lead to criminal acts" [25].

The criminal responsibility of minors is often related to their first criminal act. Therefore, it is crucial to establish in legislation the principle of not applying deprivation-of-liberty penalties to the first illegal acts committed by minors. Article 83 of the Kazakh Criminal Code stipulates several grounds for exempting minors from criminal responsibility and punishment. If it is determined that a minor can be corrected without being held criminally responsible, the court may exempt them from criminal responsibility. What is referred to here is the overall exemption of criminal responsibility. Based on this stance, the criminal code stipulates the application of compulsory educational measures for minors. This practice is also common in other countries. V.A. Terenkova and T.G. Chernyenko pointed out that even if a minor commits a crime, considering their age and psychological characteristics, the state needs to give special attention to them. Applying criminal penalties to them is not always advisable. Exempting minors from criminal penalties is a rewarding measure in Russian criminal law, and developing alternative measures is of great significance. The Russian Federal Criminal Code stipulates a special form of exemption from punishment for minors - the use of compulsory educational measures [17]. Article 83, Paragraph 2 of the Kazakh Criminal Code stipulates that minors who committed minor or medium crimes for the first time, and whose court has determined that they can be rehabilitated

through compulsory educational measures, may be exempted from punishment. In this case, minors are exempted from actual imprisonment and instead receive compulsory educational measures. These measures can only be applied if the court determines that imprisonment is not necessary for achieving correction. To a large extent, it depends on the minors themselves. This includes their understanding of the illegal act, active remorse, first-time offender status, and good performance in previous behaviors, among other factors. In such cases, the court can make a corresponding judgment that does not involve imprisonment. Article 83, Paragraph 3 of the Kazakh Criminal Code stipulates that minors who committed a minor crime and did not cause death or serious injury may be exempted from criminal responsibility by the court under the circumstances stipulated in Article 68, Paragraph 2 of the Kazakh Criminal Code: reaching a settlement with the victim and compensating for the damage. In such cases, compulsory educational measures are applied to minors. Article 84 of the Kazakh Criminal Code stipulates seven compulsory educational measures. Compulsory educational measures can be applied simultaneously to minors. The priority of the state is to achieve the main goal of correcting minors. Other main goals of taking compulsory educational measures include: implementing special preventive measures to prevent recidivism, cultivating minors' behavior habits of abiding by the law, and universal prevention of juvenile delinquency. In France, the criminal law for minors is based on their educability and the principle that education is prioritized over punishment, which was established by a 1945 decree. The juvenile justice system stipulates a wide range of educational compulsory measures - from compensating for damages, placing under parental guardianship to sending to education, medical and specialized centers, as well as monitoring and supervision, free measures close to probation. These measures are implemented through a developed national and authorized agency network, focusing on individualized handling and aiming to create the most favorable social rehabilitation conditions for juvenile offenders [17].

O.A. Belaleva and E.A. Pisarevskaya regard compulsory educational measures as criminal liability measures, arguing the rationality of applying these measures when exempting minors from punishment, emphasizing that although there are flaws, these measures have high educational potential [18]. According to V.A. Terenkova and T.G. Chernyenko, it is necessary to expand the list of compulsory educational measures in the Russian Federal Criminal Code to more fully achieve personalized handling of exempting minors from criminal punishment. Such measures may include apologizing to the victim, receiving psychological counseling and compulsory education, participating in probation programs, and engaging in unpaid social public education work [17]. In light of international experience, it would be advisable not merely to expand formally the range of compulsory measures of an educational nature applied in Kazakhstan, but rather to specify their content in relation to offences committed in the digital environment. Such measures could include mandatory participation in a legal and digital literacy programme, psychological counselling, involvement in restorative justice procedures with the victim, and temporary restrictions on access to particular digital resources under the supervision of a legal representative. These measures should be imposed on an individualized basis, taking into account the nature of the offence, the minor's motive and level of technical competence, and the risk of reoffending. Their introduction would make it possible to combine the educational orientation of the Kazakhstani model with the preventive and rehabilitative components found in international practice [17; 18].

In cases involving the criminal responsibility of minors, there are significant contradictions. Minors can use the Internet, ordinary computers, laptops and various electronic devices - that

is, all the devices publicly sold in stores - to commit criminal offenses in the field of information technology and communication. As for malicious software, much of it can be obtained on the internet, and some can be developed by teenagers themselves. Artificial intelligence can provide strong support in software development, but some people may use it to create malicious programs. Minors often fail to fully recognize the severity of their illegal acts. They develop certain programs to try to succeed, sometimes to stand out and show themselves to their peers that they can write computer programs or viruses. Over time, they may develop the idea of using these skills for illegal profit. It is entirely possible to take the path of illegal profit. Eventually, they may commit illegal acts: spreading computer viruses, stealing personal and other data, unauthorized access or intrusion into websites and databases, spreading extremist or pornographic content and other prohibited materials, implementing cyber bullying, etc. This often stems from the lack of legal knowledge among teenagers and their failure to realize the severity of the consequences. The result is damage to enterprises, other organizations, financial institutions, bank accounts, and the personal data and privacy of individuals. Such cyber illegal acts endanger computer information security, information systems and network security. The state and authorized institutions should ensure information security. The state ensures the security of the information field through legal means. The state strives to hold offenders accountable, including minor offenders. There are contradictions here. On the one hand, the illegal acts of minors are not entirely of their own will; on the other hand, it is necessary to stop illegal acts and hold the responsible persons (even minors) accountable. The contradiction lies in: on the one hand, it is necessary to protect the social relations maintained by the state and hold the responsible persons accountable; on the other hand, the pursuit of responsibility should not harm minors, their personality development and their future fate. For minors who commit criminal, illegal acts in the information and communication fields, strict punishment measures must not be taken. Although there are other targets that can be subject to severe sanctions, in the information field, minors may commit illegal acts due to insufficient cognition, rash actions, free access to devices, software and the internet, lack of legal literacy and network usage culture. This is precisely the failure of the state, society, parents and educational institutions.

It should be pointed out that before providing pre-education on compliance with legal norms, requirements, restrictions, and prohibitions to minors, they cannot be held responsible. From the secondary school stage, minors should receive corresponding legal education and training. Only on this basis can the issue of holding them accountable be discussed. Unlike adult offenders, juvenile offenders usually understand the illegality of their actions. Minors may not even be aware that actions such as hacking into others' accounts, obtaining others' computer information, hacking attacks, attacking organizational databases and websites, etc., are all serious violations. Therefore, the key is to recognize that juvenile offenders can and should be guided onto the right track and receive educational and guidance work. During this process, legal liability must exist, but it should take different forms. This can be civil liability, administrative liability, or even criminal liability without involving measures that involve deprivation of freedom. Instead, for such offenders, educational measures stipulated by administrative law or criminal law should be widely adopted. In general, the legal liability of minors and juvenile justice requires a set of effective legal measures, among which deprivation of freedom measures are only applicable in extreme cases. It is better to strengthen preventive measures. Schools should explain to minors which specific behaviors will be regarded as illegal, including in the field of information and communication.

When holding minors legally responsible, their age and psychological characteristics must be considered. Although they are young, some minors may have problems such as delayed psychological development, unformed personality traits, and immature psychological development, which will affect their understanding of legal requirements, restrictions, and prohibitions. In addition, minors should also form a sense of responsibility for legal norms and law-abiding behavior. For minors, lighter punishment measures should be applied, with the focus on educational measures. At the same time, the issue of holding parents responsible for juvenile offenders is also crucial. I believe that society needs to conduct the most serious and extensive discussions on this. Such discussions will make many parents pay attention to the issues of minors, their education, behavior control, and leisure time arrangements. Such discussions can be carried out over the long term and gradually introduce some measures for parents' responsibilities. To solve this problem, it is necessary to start from the periphery and begin by preventing illegal behaviors. This issue should not only be considered from a legal perspective but also from a social education perspective. We need to establish such a social and national system: the entire system can solve the problem of preventing illegal behaviors by minors and make them responsible without causing negative impacts on them. In an ideal situation, the family, education system, and law enforcement system can effectively prevent illegal behaviors in the field of information and communication. In an ideal situation, minors will clearly understand which behaviors are illegal in the field of information and communication, realize the possible responsibilities they may bear, and avoid such illegal behaviors. Therefore, if minors commit such illegal behaviors, all circumstances must be investigated. The investigation of such offences requires the proper identification, collection, preservation, and analysis of digital traces, since user data, metadata, access logs, and network footprints may contribute to establishing the circumstances of the offence, identifying the persons involved, and forming a reliable evidentiary basis [26].

The solution lies in prevention, and it is necessary to improve the effectiveness of legal and digital education for minors. However, there is a notable issue here. As some foreign scholars have pointed out, "Research on juvenile crime mainly focuses on offline illegal behaviors, while the risk factors of online crime have not been fully studied and need to be identified and evaluated for their importance" [9]. This viewpoint prompts us to re-examine the prevention work of juvenile online crime from a new perspective, deeply exploring its causes and incentives. To eliminate such illegal behaviors, a specific authority mechanism for minors to access internet resources and social networks should be established, and child-specific accounts with risk filtering functions should be set up. Specialized automated algorithms should be used to analyze the behaviors of minors on the internet. This helps to detect risks before minors commit illegal behaviors. If minors are interested in information such as hacking techniques, forums for sharing cracked software and hacking attack methods, as well as malicious software, then this is already sufficient to identify and prevent them before any illegal activities occur.

Conclusion

In conclusion, the legal responsibilities borne by minors in the Republic of Kazakhstan for violating laws in the field of information and communication are based on humanitarian principles and mainly focus on educational and preventive aspects. The state attaches great importance to cultivating the law-abiding behavior of minors, which is reflected in the criminal legislation by having specific provisions. These provisions not only stipulate the basis for

completely exempting minors from criminal responsibility but also specify the circumstances under which actual imprisonment can be waived without the need for compulsory measures to correct their behavior.

In addition to humanitarian principles, the principle of individualizing responsibilities and the principle of prioritizing the use of compulsory educational measures are also of crucial significance. When courts handle cases, they will comprehensively consider various factors, including the age of the minors, their personality traits, psychological and social development levels, living and growing environment, past behavior, attitude towards the crime, and their understanding of the illegal behavior. This approach can take into account the particularity of digital illegal acts, which are often carried out by minors due to a lack of legal knowledge, insufficient social maturity, and a rash attitude towards the digital environment.

Considering the nature and consequences of illegal acts in the field of information and communication, as well as the psychological and social development characteristics of minors, the most effective response measure seems to be the adoption of compulsory educational measures, aiming to correct behavior and prevent further violations. Unless the behavior is of an extremely socially harmful nature, isolating minors who commit illegal acts from society should not be the preferred measure.

The main task of the juvenile criminal responsibility system is not to have a punitive effect, but to cultivate teenagers to form stable law-abiding behavior, legal culture, and a responsible attitude towards the use of information and communication technologies. Only by taking comprehensive measures, combining legal supervision, educational measures, digital literacy and legal literacy training, as well as the active participation of families, educational systems and the entire society, can the problem of minors' online illegal behavior be effectively solved.

Contribution of the authors:

Halibiyati H. – conducted a theoretical analysis of the legal regulation of modern forms of legal responsibility, taking into account national and foreign experience, identifying legislative gaps and formulating practical recommendations for improving law enforcement.

Amirov N.K. – has researched the practice of applying criminal law norms in relation to minors, analyzes statistical data and factors affecting the effectiveness of legal influence, justifying proposals for adjusting law enforcement policy.

Adilgazy S. – carried out a comparative legal analysis of national legislation and international standards, identified effective foreign approaches and developed proposals for their implementation in the legislation of the Republic of Kazakhstan.

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Ақпараттандыру және байланыс саласындағы құқық бұзушылықтар үшін кәмелетке толмағандардың қылмыстық жауаптылығы

Аңдатпа. Мақалада қоғамдағы цифрландыру үдерісінің қарқынды дамуы жағдайында кәмелетке толмағандардың ақпараттандыру және байланыс саласындағы әкімшілік және қылмыстық құқық бұзушылықтар үшін заңдық жауапкершілігінің өзекті мәселелері қарастырылады. Зерттеудің мақсаты – ақпараттандыру және байланыс саласындағы құқық бұзушылықтар үшін кәмелетке толмағандарды заңдық жауапкершілікке тартудың ерекшеліктерін кешенді талдау, сондай-ақ жасөспірімдердің жас ерекшеліктерін, психологиялық және әлеуметтік сипаттарын ескере отырып, заңнаманы және құқық қолдану тәжірибесін жетілдіруге бағытталған ғылыми негізделген ұсынымдар әзірлеу болып табылады. Зерттеудің әдіснамалық негізін жалпығылыми және арнаулы құқықтық таным әдістері құрайды, олардың қатарында талдау және синтез, индукция мен дедукция, формальды-құқықтық және салыстырмалы-құқықтық әдістер, сондай-

ақ Қазақстан Республикасының және шет мемлекеттердің құқық қолдану тәжірибесі мен статистикалық деректерін талдау әдістері пайдаланылды.

Зерттеу нәтижелері кәмелетке толмағандардың цифрлық ортадағы құқықбұзушылықтарға тартылуы технологиялық факторлардың, құқықтық және цифрлық мәдениеттің жеткіліксіз деңгейінің, сондай-ақ құқықтық сананың толық қалыптаспауы мен психологиялық жетілмеуінің жиынтығымен айқындалатынын көрсетеді. Зерттеудің ғылыми құндылығы кәмелетке толмағандардың киберқұқықбұзушылықтары үшін жауапкершілік мәселелеріне қатысты көзқарастарды жүйелеуде және құқықтық, криминологиялық әрі әлеуметтік-педагогикалық аспектілерді біріктіретін пәнаралық тәсілді дамытуда көрініс табады. Зерттеу нәтижелерінің практикалық маңыздылығы оларды киберқұқықбұзушылықтардың алдын алу бағдарламаларын әзірлеуде, жасөспірімдердің құқықтық және цифрлық мәдениетін арттыруға бағытталған білім беру курстарын енгізуде, сондай-ақ ақпараттандыру және байланыс саласындағы заңнама мен құқық қолдану тәжірибесін жетілдіруде пайдалануға болатынында.

Түйін сөздер: кәмелетке толмағандар, киберқылмыс, ақпараттандыру және байланыс саласындағы құқық бұзушылықтар, әкімшілік жауапкершілік, қылмыстық жауапкершілік, цифрлық мәдениет, ақпараттық қауіпсіздік.

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Уголовная ответственность несовершеннолетних за правонарушения в сфере информатизации и связи

Аннотация. В статье рассматриваются актуальные проблемы юридической ответственности несовершеннолетних за административные и уголовные правонарушения в сфере информатизации и связи в условиях активной цифровизации общественных отношений. Целью исследования является комплексный анализ особенностей привлечения несовершеннолетних к юридической ответственности за правонарушения в сфере информатизации и связи, а также выработка научно обоснованных рекомендаций по совершенствованию законодательства и правоприменительной практики с учетом возрастных, психологических и социальных особенностей подростков. Методологическую основу исследования составили общенаучные и специальные методы познания, включая анализ и синтез, индукцию и дедукцию, формально-юридический и сравнительно-правовой методы, а также анализ статистических данных и материалов правоприменительной практики Республики Казахстан и зарубежных государств.

В результате исследования установлено, что вовлечение несовершеннолетних в правонарушения в цифровой среде обусловлено сочетанием технологических факторов, недостаточного уровня правовой и цифровой культуры, а также психологической незрелости и неполной сформированности правосознания. Научная ценность работы заключается в систематизации подходов к ответственности несовершеннолетних за киберправонарушения и развитии междисциплинарного взгляда на проблему, объединяющего правовые, криминологические и социально-педагогические аспекты. Практическая значимость исследования состоит в возможности использования его выводов при разработке профилактических программ,

образовательных курсов по повышению правовой и цифровой культуры подростков, а также при совершенствовании законодательства и правоприменительной практики в сфере информатизации и связи.

Ключевые слова: несовершеннолетние, киберпреступность, правонарушения в сфере информатизации и связи, административная ответственность, уголовная ответственность, цифровая культура, информационная безопасность.

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