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Legal Analysis of the Implementation of Article 1 of the World Declaration on Higher Education

This article attempts to examine the legal application of Article 1 of the World Declaration on Higher Education for the Twenty-First Century. Article 1 of the World Declaration is an introductory, general article that helps the reader and professionals in the educational and pedagogical, legal spheres to understand the entire document as a whole. This article generally describes approaches and methods in the educational sphere, through which it is possible to achieve training and preparation of highly qualified personnel. The paragraphs of Article 1 of the World Declaration establish general methods and approaches to organizing and conducting the educational process. The essence of the educational process at universities is linked with the scientific activity of both students and teachers, who can engage in science independently from each other, as well as together. Engagement in scientific activity contributes to the educational process in various forms and types. Science contributes to the student's pursuit of higher education and shapes the students' inclinations to fundamental and applied science, which become predetermining for the rest of their lives. Science and practice involved in the process of educational activities at the university allow students to become high-quality professionals not only in the profession, but also in the ability in competent management.

Keywords: article, analysis, higher education, professional, science, team, highly qualified personnel, academic disciplines, competence.

Introduction

The World Declaration on Higher Education for the Twenty-First Century: Approaches and Practical Measures adopted in Paris on October 9, 1998, defines higher education as all types of learning, courses of study, and training for scientific research. The theoretical approaches and practical measures analyzed in this Declaration can be classified according to the following aspects.

The first aspect can be attributed to fairness of access. This means that access to higher education is possible with the ability, effort, and persistence of those who wish to obtain higher education. That is why we encourage graduates of Kazakhstani schools and university applicants to show not only ability but also a strong commitment to learning. Only through persistent effort and the demonstration of knowledge during exams and assessments they can earn their place in higher education. The second aspect can be characterized as cooperation. This means that universities and other types of higher education institutions should work in close cooperation with schools, parents, and students. Here, the ability of teachers of Kazakhstani universities to conduct career guidance work in a highly professional manner is of great importance. One of the essential elements of such work is the writing and publication of “Entertaining Chemistry”, “Entertaining

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Physics”, “Entertaining Mathematics”, “Entertaining International Law”. This allowed the authors-teachers of these and other scientific disciplines to conduct conversations with parents and students in advance during the last final years of study and convince them of the need to choose and study their profession. This aspect echoes the subsequent aspect, which can be called strengthening ties. Universities should be considered as an integral part of the education system, which begins with preschool education, primary, secondary education, and then higher education. You will need to learn throughout your life.

It makes sense to take a closer look at such an aspect as the development of the education system. Within the framework of this aspect, higher education makes a serious, necessary contribution to the development of the entire education system, including the improvement of pedagogical education, as well as the development of curricula and research in this area. The use of technology is becoming a fashionable and promising aspect. It is known that new horizons can open up for higher education with the use of the latest technologies that not only create knowledge, but also manage and distribute it, thereby providing access and monitoring of it. It is imperative to ensure equal access of all students to advanced technologies at all levels of education systems.

Methods and materials

In this article, the methods of logical analysis, legal analysis, comparative legal analysis, scientific forecasting were used, which allowed to formulate judgments regarding the points that formed the basis of Article 1 of the World Declaration on Higher Education. Owing to these methods, it was possible to substantiate recommendations and proposals that can positively affect the improvement of the quality of higher education in Kazakhstan and other countries.

Results

This article analyzes Article 1 of the World Declaration on Higher Education for the 21st Century that consist of 17 articles and 3 areas of priority development of higher education. Article number 1 of this Declaration is generalizing in relation to all articles and areas of priority development and echoes the content of Article 5 of the same Declaration. In this regard, this article has become the subject of a separate study. The meaning of Article 1 of this Declaration is as follows: “The task related to the dissemination of education, training and research We reaffirm the need to maintain, strengthen and expand the main purposes and values of higher education, in particular with regard to its contribution to sustainable development and the improvement of society as a whole.” The World Declaration, paragraph “a” of Article 1 calls for “to ensure the preparation of highly qualified graduates and responsible citizens, able to meet the needs of all areas of human activity by providing the opportunity to obtain appropriate qualifications, including vocational training, combining knowledge and skills of a high level, based on the use of courses and curricula constantly adapted to the current and future needs of society.”

The proposed point “a” of the Declaration for analysis reflects the general trend of development of modern society, including to a certain extent Kazakhstani society. The essence of this trend is that teaching students research and using it in the educational process of the university is becoming an integral part of the training of modern specialists in almost all areas. This is evident from the requirements of the university certification procedure for the level of development of scientific work in its various structures. The main target settings in the implementation of state standards of higher professional education, as a rule, are the so-called “competencies” that a student receives in the learning process. We need to define the concept of “competence” here. Today, in the field of higher education pedagogy, this means the ability of a trained student to successfully apply the acquired knowledge, skills, abilities, and personal qualities in a certain professional field. It should be emphasized that in the modern understanding, the “competency approach” assumes that the student has been taught to competently work with individual information, a flow of information, has been taught reflection or a “cognitive mechanism” by means of which, in any difficult professional situation, he is able to think critically, give an objective assessment of his actions and misdeeds, quickly cut off unnecessary thoughts, emotions and concentrate his thinking on solving the issue here and now, only those specific lessons from past experience that align with the current context and enable immediate resolution of the problem should be extracted. Modeling within the framework of the competency-based approach is understood as a method that allows combining both theoretical and practical components into a single unit. The competency-based approach in the course of educational and cognitive activity allows modeling almost any situation in various areas of professional activity of a graduate of a higher educational institution. In other words, a student must be able to creatively manage the information received, be able to think independently and be ready

for creative solutions to life and professional situations. This is quite possible if the university professors and teachers were able to provide a highly qualified competency-based format of education [1; 902].

In developing the general idea of the competency-based approach, it is necessary to take a closer look at the term “professional competencies”. This means that if a university graduate, an employee in a particular field, is trained at his or her university in the context of obtaining the appropriate “professional competencies”, then such an employee becomes highly in demand in the current realities of the labor market, “as competition among manufacturing organizations is increasing every day, and employers are interested in highly qualified personnel who are ready, through the implementation of theoretical knowledge and practical skills, to achieve effective production results and contribute to the prosperity of companies as a whole” [2; 50-51]. The process of developing the professional competencies of future company employees begins with university teachers paying special attention to the analysis of important competencies and understanding what skills and abilities are necessary for employees to ensure the “full functioning of labor relations in the production process” [2]. The teacher must delve into the essence and details of the production process at the enterprise: only in this case will he be able to provide practice-oriented training for students in his classes, which will allow him to prepare potential employees who will be able not only to adapt to the latest digital, intellectual, robotic technologies, but also to develop them, to successfully compete both at the enterprise and in the industry as a whole. A study of the experience of Western universities in implementing a competency-based approach in their textbooks, through consultations with professors from a number of universities (Villanova, Indiana, St. Joseph (USA), Paris-12 — Sorbonne (France) showed that this method is quite productive, since it allows training highly qualified personnel who possess not only solid theoretical knowledge, but are also able to implement the practical skills acquired at universities to solve production problems of various purposes.

Teachers from the Kazakh Agrotechnical University named after S. Seifullin conducted a scientific study involving 126 master’s students studying in the specialty “Professional education”. Using empirical, theoretical, statistical research methods, they attempted to find ways to improve the efficiency of the educational process. It should be noted that they managed to formulate the basic principles of professional training of students: 1) the principle of ensuring systemic approaches to the formation of professional competence in conjunction with the organization and implementation of the entire educational process; 2) the principle of general program formation of an approximate basis for the upcoming professional activity of graduates; 3) the principle of creating a model of competence of a particular specialist for inclusion in the general system of professional competence of a student, master’s student [3; 163].

Discussion

It is necessary to take a closer look at our educational legislation, consisting of 148 laws and other regulatory legal acts, to what extent it correlates with the concepts of the World Declaration on Higher Education. Thus, the term “competence approach” is absent from the educational legislation of Kazakhstan. In a number of cases, the Law of the Republic of Kazakhstan dated July 27, 2007 “On Education” uses the word “competence”, but for some reason the Law does not define this term-concept. In all normative and legal educational acts, the word “competence” is used in the meaning of “the range of rights and responsibilities of a particular state body”. Meanwhile, these acts must include this term as the acquisition of skills and abilities by students through the theory of learning and practice. This is how this term is interpreted in the World Declaration.

In paragraph “b” of Article 1, the participants in the development of the text of the World Declaration proceed from the need to “ensure opportunities (espace ouvert) for obtaining higher education and lifelong learning, providing students with an optimal range of choice and giving a flexible nature to the beginning and end of receiving higher education within the framework of this system, along with the opportunity for individual development and social mobility, with the aim of educating in the spirit of citizenship and preparing for active participation in the life of society, adhering to a global worldview; and also with the aim of fostering inner motivation and long-term capability and strengthening human rights, sustainable development, democracy and peace in the spirit of justice.” Open space (this is how the French term “espace ouvert” given in this paragraph is translated) in relation to higher education means: creating conditions that allow each student to make a free choice regarding both the content and the form of education. This increases the opportunities for students to demonstrate initiative in determining the profession they need. This open space includes the dissemination of educational and training activities that go beyond the known (traditional) forms of providing a particular type of education. This approach makes the educational process more flexible and more dynamic.

In the open space there is also a place for an environment on issues of personality-oriented learning. The focus of such an environment is the holistic and unique personality of a student, master's student, doctoral student, which is based on full mutual understanding and interaction between a teacher (professor) and a student at the university. Thanks to the open space, a student at the university prepares him/herself for life in an open society. It should be emphasized that it is open education that forms and improves their ability to make their own decisions, which allows them to develop personal competence. We agree with the authors of this paragraph and the Declaration as a whole that open space provides an opportunity for students to receive individual development within the framework of social mobility. This is what allows them to receive education "in the spirit of citizenship" (or commitment to the moral and ethical position of a given citizen to all forms of civil community accepted in this society and state) and preparation for conscious, active participation in the life of their society within a globally conscious framework, a benevolent attitude towards all peoples of the world; as well as strengthening dozens of types of fundamental and other civil, political, economic, social, cultural rights enshrined in 60 universal, as well as in a number of regional international legal documents, in 17 global interrelated goals for sustainable development adopted by the UN General Assembly in 2015.

These international legal acts are supported in one way or another by the Republic of Kazakhstan. Unfortunately, neither the laws nor other regulatory legal acts of the Republic of Kazakhstan on educational activities pay any attention to such an important concept as "open space". Meanwhile, this internationally recognized term should find its place in the Laws "On Education", "On the Status of a Teacher", the Labor Code, "On Permits and Entitlements" legality, law and order within states, in relations between states is possible primarily due to the education of university students in this spirit, since presidents, parliamentarians, ministers, as a rule, are people with a higher education, and who determine the domestic and foreign policies of their states and governments [4].

Clause "b" of Article 1 of the Universal Declaration prescribes "to promote, create and disseminate knowledge through research" and, as one of the services rendered to society, to provide it with the necessary knowledge in order to assist in the field of cultural, social and economic development, encouraging and developing natural scientific and technological research, as well as research in the social and human sciences and creative activity in the arts." The attention of students should be drawn to research activities, based on the need to achieve at least three goals. The meaning of the first goal is that, while simultaneously teaching students the basics of science and scientific work, teachers and professors during the 4 years of the bachelor's degree achieve a clearer understanding of the approximately 40 academic disciplines taught to them, since almost every academic discipline is a science presented to students in a brief volume in a more simplified, understandable language. The second goal about the need to instill in students the skills of scientific work is that the mass of students who, upon graduation from the university, will mainly become practitioners in their specialty, their profession, must be taught the methods and means of scientific and analytical work within the framework of the profession they are studying so that they can apply the skills of scientific approaches in their practical work, so that if problems and difficulties arise in practical work, they can solve them and eliminate them with the help of creative scientific approaches, by means of analytical and creative methods. For the advanced part of students-practitioners, training in science is also necessary because almost every industrial enterprise has an R & D department, the name of which, when decoded, means: "research and development work". The better students are trained in research methods of work, the easier, more interesting and useful their work in these departments will be and the more competitive the corresponding goods, products, machines, equipment produced by specific plants and factories will be. Another, smaller in quantitative terms, part of students, inclined to theoretical and scientific work, should be trained in all the intricacies of research work. It is this part of students who, upon graduation, will become teachers, researchers in the departments of higher educational institutions of the country, as well as researchers of research institutes and academies.

It is important for all graduates of higher education institutions in the Republic of Kazakhstan to be informed about the current state of research activity in the country and the extent of its public funding. Currently, science funding in the country, according to the Bureau of Statistics of the Republic of Kazakhstan, is 0.16 percent of GDP, while science funding in Israel is 6 percent, in Japan it is 3.4 percent, in the Netherlands it is 2.3 percent of GDP [5; 5]. All graduates need to know this, since a considerable number of them will become ministers, heads of enterprises, members of Parliament, maslikhats at all levels, who will have to strive to increase funding for Kazakhstani science, which will bring considerable practical benefits for the growth of all spheres of the economy and life of the republic.

The authors of the analyzed World Declaration have established that, within the framework of general research, the teaching staff of university faculties is obliged to pay attention to technological research, use

the fruits of the scientific and technological revolution in the educational process, introduce digital technologies into the lecture process, use the capabilities of artificial intelligence in conducting trainings and practical classes [6]. A specialist or professional becomes one not only through studying natural science and technical academic disciplines, but also through engagement with the social sciences and humanities, which play a crucial role in forming a student's worldview. (even in Western universities they are studied on an alternative or optional basis). One can agree with the point of view of the scientist and philosopher A. Amrebaev, who claims that we are in such conditions "when a person's worldview and self-awareness, his or her cognitive capabilities are changing", therefore it is extremely important to study "questions of the philosophy of technology, anthropological philosophy" [7].

A variety of significant motives should be encouraged that would encourage students to engage in scientific research activities. At the same time, it is important to emphasize the need for self-realization, achieving success, and receiving public tasks, the opportunity to travel to scientific conferences in order to deepen their knowledge, acquire new knowledge, and achieve professional self-development. It is necessary to instill in students' minds that their research activities should be considered as one of the main forms of training. In this regard, favorable conditions for effective research work at universities should be created. Therefore, it is necessary to strengthen collaboration between students and faculty through academic societies and joint research initiatives is essential for advancing scholarly engagement. It would be advisable to involve students in the process of participating in international and Kazakhstani competitions, Olympiads to improve the qualities of a leader, manager. It is necessary to draw students' attention to the scientific solution of interdisciplinary problems, to the study and use of high technologies in order to solve specific professional problem tasks [8; 30, 33]. The legislator represented by the Parliament of the Republic of Kazakhstan, the relevant Ministry of Science and Higher Education of the country should pay special attention to the legislative and normative-regulatory regulation of issues of education and training of graduates of our universities with high leadership qualities.

In paragraph "g" of Article 1 of the World Declaration, its authors, addressing the world community of higher education institutions, propose "to help understand, interpret, preserve, expand, develop and disseminate national and regional, international and historical cultures in the context of cultural pluralism and diversity." It should be noted that the European Union and its members strive to treat representatives of other peoples from the position of introducing the ideology of multiculturalism, to provide them with assistance when they find themselves in difficult life situations as migrants. We, in Kazakhstan, where along with the Kazakhs, representatives of 130 ethnic groups live, act in approximately the same way. In 116 public and private higher educational institutions of the republic, where young people of almost all ethnic groups study, educational work is carried out through social sciences and social practice in the spirit of the state policy of ensuring the unity of the people of Kazakhstan, based on the principles of ethnic, religious, cultural and linguistic diversity (at least 1,000 ethno cultural associations and their branches operate in the republic — here and further in this paragraph one source: [9] creation of appropriate conditions ensuring the development of the culture and languages of ethnic groups living in the territory of Kazakhstan (more than 50 ethnic mass media outlets published in 15 languages have been registered in the country); implementation of a policy of tolerance towards ethnic groups and their beliefs (at least 3,900 religious associations of different ethnic groups profess 18 confessions on the territory of Kazakhstan); implementation of the consolidating role of the Kazakh people. It should be said that in universities and other higher education institutions of the republic it is necessary to carry out work taking into account the provisions of paragraph "d" of Article 1 of the 1998 World Declaration on Higher Education to promote "the protection and strengthening of social values" [10; 14-15], to ensure the education of "young people in the spirit of the values that form the basis of democratic citizenship" and "the prospects of humanism".

Conclusion

Article 1 of the World Declaration on Higher Education underscores the imperative that the dissemination of education and the cultivation of qualified personnel be intrinsically connected to the advancement of scientific research. By accustoming a student to conducting scientific activity from the first years of his stay at the university, we thereby teach him to understand the taught academic disciplines, which represent a particular science, presented briefly and in simplified language. Science is needed by university graduates so that they can enter the work of departments called "research and development work". By preserving, strengthening, expanding the main tasks and basic values of higher education, we thereby contribute to the sustainable development and improvement of modern society, including Kazakhstani society. The importance of the points of Article 1 of the World Declaration is that on their basis it is possible and necessary to solve the problems of training highly qualified graduates and responsible citizens who would be able to

meet almost all the needs of society in all areas of human activity. In addition, we need to take a closer look at the competence approach in the educational system of Kazakhstan in order to teach our students practical skills and abilities that would allow them to get involved in solving practical production problems almost immediately upon arrival at the enterprise. A graduate of a higher educational institution of any country, including Kazakhstan, must be trained and educated so that he is not only a technical and technological professional, but also a citizen of his country, who has absorbed the values of humanism, the culture of his people and respects the traditions of humanism and the culture of other peoples, a skilled leader of almost any rank, who educates his subordinates in the spirit of honesty, integrity, hard work, a creative approach to solving production problems, and resolving conflict situations within the team.

Acknowledgements

Implementation of the Paris World Declaration on Higher Education for the 21st Century in the Republic of with the financial support of the Committee on Science Ministry of Science and Higher Education of the Republic of Kazakhstan (AR 19680224).

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М.А. Сәрсембаев

Жоғары білім туралы Дүниежүзілік декларацияның 1-бабын іске асыруды құқықтық талдау

Мақалада ХХІ ғасырға арналған Жоғары білім туралы Дүниежүзілік декларацияның 1-бабының қолданылу мазмұнын заң тұрғысынан зерттеуге әрекет жасалды. Дүниежүзілік декларацияның 1-бабы оқырманға және білім беру, құқықтану мамандарына құжатты тұтастай түсінуге көмектесетін кіріспе, жалпы мақала. Сонымен қатар мақала білім беру саласындағы тәсілдер мен әдістерді жалпы түрде ашып көрсетеді, олардың көмегімен жоғары білікті кадрларды дайындауға қол жеткізуге болады. Осы Дүниежүзілік декларацияның 1-бабының тармақтары оқу процесін ұйымдастыру мен жүзеге асырудың жалпы әдістері мен тәсілдерін анықтайды. Жоғары оқу орындарындағы оқу-тәрбие процесінің мәні студенттердің де, оқытушылардың да ғылыммен бір-бірінен тәуелсіз, сонымен бірге айналыса алатын ғылыми қызметімен байланысты. Ғылыми қызметпен айналысу оқу процесіне әртүрлі формалар мен

түрлерде ықпал етеді. Бұл студенттерге жоғары білім алуға көмектесетін ғылым. Осы ғылым студенттердің өмір бойы шешуші болатын іргелі және қолданбалы ғылымға бейімділігін айқындайды. Жоғары оқу орындарындағы оқу іс-әрекеті процесіне тартылған ғылым мен тәжірибе студенттерге тек өз мамандығы бойынша ғана емес, сонымен бірге адамдарды, ұжымды сауатты басқара алатын жоғары сапалы маман болуға мүмкіндік береді.

Кілт сөздер: мақала, талдау, жоғары білім, кәсіптік, ғылым, ұжым, жоғары білікті кадрлар, оқу пәндері, құзыреттілік.

М.А. Сарсембаев

Юридический анализ реализации статьи 1 Всемирной декларации о высшем образовании

В данной статье предпринята попытка исследовать с юридической точки зрения содержание применения статьи 1 Всемирной декларации о высшем образовании для XXI века. Статья 1 Всемирной декларации является вводной, общей статьёй, которая оказывает содействие читателю и профессионалам учебно-педагогической, правовой сфер в понимании всего документа в целом. Эта статья раскрывает в общем виде подходы и методы в образовательной сфере, посредством которых можно добиваться обучения, подготовки кадров высокой квалификации. В пунктах данной статьи 1 Всемирной декларации закрепляются общие методы и подходы по организации и проведению образовательного процесса. Суть образовательного процесса в университетах заключается в том, что он смыкается с научной деятельностью как студентов, так и преподавателей, которые могут заниматься наукой автономно друг от друга, а также вместе. Занятие научной деятельностью содействует образовательному процессу в разных формах и видах. Именно наука способствует получению студентом высшего образования, именно она предопределяет склонности студентов к фундаментальной и прикладной науке, которые становятся предопределяющими на всю оставшуюся жизнь. Наука и практика, задействованные в процессе учебно-образовательной деятельности в вузе, позволяют студентам стать специалистами, профессионалами высокой категории качества не только в профессии, но и в умении грамотно руководить людьми, коллективами.

Ключевые слова: статья, анализ, высшее образование, профессионал, наука, коллектив, кадры высшей квалификации, учебные дисциплины, компетентность.

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