

**ҚАЗІРГІ ҚҰҚЫҚТЫҚ ҒЫЛЫМ МЕН ПРАКТИКАНЫҢ ТЕОРИЯЛЫҚ ЖӘНЕ
ТАРИХИ МӘСЕЛЕЛЕРІ
ТЕОРЕТИКО-ИСТОРИЧЕСКИЕ ПРОБЛЕМЫ СОВРЕМЕННОЙ ПРАВОВОЙ
НАУКИ И ПРАКТИКИ
THEORETICAL AND HISTORICAL PROBLEMS OF MODERN LEGAL SCIENCE
AND PRACTICE**

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ENSURING DIGITAL INFORMATION SECURITY IN KAZAKHSTAN

Annotation. This article provides an in-depth examination of the strategies and initiatives aimed at ensuring digital information security in Kazakhstan. It scrutinizes the evolving landscape of cybersecurity within the country, addressing contemporary challenges such as cyber threats, data breaches, and the protection of critical infrastructure. Through a comprehensive analysis of legislative frameworks and organizational measures implemented by the Kazakhstani government, the article evaluates the efficacy of existing security protocols and identifies areas for enhancement. Furthermore, it explores sector-specific vulnerabilities in domains such as finance, healthcare, and governance, offering nuanced recommendations for bolstering cybersecurity defenses. By shedding light on both successes and potential areas of improvement, this research serves as a valuable resource for policymakers, cybersecurity professionals, and stakeholders invested in safeguarding Kazakhstan's digital infrastructure amidst the ever-changing threat landscape.

«We believe that digitization, which provides a huge technological impetus, is one of the opportunities for the future. The pace of digitization is making a big impact on the development of the economy, shaping the direction of today's emerging agenda. The widespread adoption of new applications and technologies such as artificial intelligence, blockchain, Internet of Things (IoT) and Big Data will transform activities in all sectors, from agriculture to finance. We clearly understand that this trend is very important for Kazakhstan», - said President of the Republic of Kazakhstan Tokayev K. K. [1].

Organizational, judicial and technical foundations of the system of measures to ensure information security (cybersecurity) in the sphere of information and communication in the Republic of Kazakhstan are fixed legislatively in accordance with the Law of the Republic of Kazakhstan «On National Security» as integral parts of ensuring information security and security of information space and communication infrastructure [2].

Privacy is a fundamental human right, defined as the assumption that there should be an area in people's lives related to their independent development, interaction and freedom. The officially stated interpretation of the right to privacy as set out in the PACE Declaration on Media and Human Rights [3].

In a time when the world is experiencing rapid technological development, Kazakhstan, as the main state of Central Asia, is actively introducing digital technologies into various spheres of society. Digitalization has become an integral part of the country's modernization, allowing us to optimize processes, improve the quality of services and increase the comfort of life of our citizens.

«Digital Kazakhstan» is the most important aspect of the country's digital society - the electronic information system and the electronic information system, as well as the electronic information system of the Republic of Kazakhstan, are the most effective and efficient way of providing information to the public. Do not place the device in a location where it is not safe to operate, and do not place the device in a location where it is not safe to touch the device. If you do

not use the device in the Republic of Kazakhstan, do not allow the equipment to be used for the purpose of communication and information exchange, and do not allow the device to be used for any other reason than to prevent the device from being used.

According to Article 640 of the Code of the Republic of Kazakhstan on Administrative Offenses «Violation of the law of the Republic of Kazakhstan about the electronic document and the digital signature»: «Refusal in adoption of electronic documents in the cases provided by laws of the Republic of Kazakhstan-subject to fine officials at a rate of twenty, on legal entities – at a rate of fifty monthly settlement indicators»; «Rejection of necessary measures by certification center for prevention of loss, modification and a fake of the open keys of the digital signature which are stored –subject to fine a rate of hundred monthly settlement indicators». Also according to article 640: «A failure to provide certification center of protection of information about owners of registration certificates – subject to fine a rate of hundred monthly settlement indicators». And if the certifying entity has not taken actions to properly protect EDS or illegally transferred it to another person, an administrative fine is imposed [4].

In this context, non-compliance with information security, non-compliance with the copy of information, causing moral injury or limitation of rights in obtaining electronic information resources containing personal data are regulated by the Code of the Republic of Kazakhstan «on administrative offenses».

Article 147 of the Criminal Code of the Republic of Kazakhstan «Violation of integrity of private life and the legislation of the Republic of Kazakhstan on personal data and their protection». Non-compliance with measures for protection of personal data by a person, to whom an obligations of taking such measures is imposed, if this action has caused significant harm to the rights and legitimate interests of persons, shall be punished by a fine in the amount of up to three thousand monthly calculation indices or corrective labors in the same amount, or community services for a term of up to six hundred hours, or restriction of liberty for a term of up to two years, or deprivation of liberty for the same term with deprivation of the right to hold certain positions or engage in certain activity for a term of up to three years or without it..

Special attention should also be paid to Chapter 7, «Criminal offenses in the field of information and communication». Article 208, «Misappropriation of information», states: «Intentional illegal copying or other illegal acquisition of information, protected by the Law, stored on an electronic medium, contained in the information system or transmitted through telecommunications networks, if it entailed substantial violation of rights and legitimate interests of citizens or organizations or interests of society or the state, protected by the Law, – shall be punished by a fine in the amount of up to two hundred monthly calculation indices or corrective labors in the same amount, or community services for a term of up to one hundred and eighty hours, or arrest for a term of up to fifty days, with deprivation of the right to hold certain positions or engage in certain activity for a term of up to two years or without it.» [5].

Hence, the use of force, extortion, intimidation, non-compliance with duty, threat to human life in obtaining illegal information are regulated by the Criminal Code of the Republic of Kazakhstan.

The State of Kazakhstan has made it easy and generally accessible for its population to obtain personal data and receive government services online. However, accessibility is divided into restricted access. In addition, personal data of limited access is personal data of limited access. Accessible data includes personal data or information to which, in accordance with the laws of the Republic of Kazakhstan, do not apply confidentiality requirements, access to which is free with the consent of the subject. In addition, according to the Law of the Republic of Kazakhstan «On Personal Data and Their Protection» adopted on May 21, 2013, the collection and processing of data is carried out through a state service, a non-state service, or in any other way that allows to confirm the receipt of consent. In our opinion, this is a reasonable and convenient law for a person. And all personal data is collected, reviewed, and processed by operators [6].

Regulatory Order of the Minister of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan dated June 12, 2023 № 179 law, registered with the Ministry of

Justice of the Republic of Kazakhstan on June 15, 2023, prescribes what is done to protect personal data, what is done to protect personal data [7].

Protection of personal data - exercises the rights to privacy, personal and family confidentiality; preserves the integrity and security as well as confidentiality; takes a set of measures against unlawful collection, unlawful processing and transmission of data.

To ensure the protection of personal data: distribution of business processes containing personal data; distribution of personal data into public and restricted access; determination of the list of persons collecting and processing personal data or having access to them; establishment of the order of access to personal data; approval of documents defining the operator's policy regarding the collection, processing, and protection of personal data [6].

The Republic of Kazakhstan has an «e-government» portal for citizens. To enter you need to register in EDS, TIN/BIN, or mobile applications. We consider it a good portal for Kazakhstani citizens, as there is an opportunity to save time and collect the documents you need. E-government projects include dozens of different information systems (IS), registers, state databases (SDBs), and hundreds of applications and services. The structure and development of e-government are complex, as the group of relations regulated by the Law "On Approval of the Rules for Integration of e-government Information Objects" is extensive. If the document requires lengthy preparation, upon receipt of the request, the integration service prepares the document within 2 days with the implementation of the process of receiving the request; the initiator of the integration service, based on the recommendations of the service integrator, authorizes on the web portal of «e-government» and sends to the owner of the information object a request in the application form for the creation of the service. The initiator of the integration service authorizes it on the web portal «e-government» and searches for the required service in the register of services. When revoking the act of testing the «e-government» informatization object for compliance with information security requirements, the operator suspends all integration interactions on the «e-government» informatization object within 1 working day with notification of the subjects of informatization [8].

Based on the Decree of the President of the Republic of Kazakhstan dated February 26, 2021, «On Approval of the Concept of Development of Public Administration in the Republic of Kazakhstan until 2030» (eGov), Open government partnerships are gradually introducing information and legal practices from other foreign countries into our country. Electronic government, open government partnerships, and many other things. All this is the beginning of globalization.

As a result of this legislation in our country, the Open Government was strengthened, e-government began to develop, transparency of information and proactivity of activity of state bodies began to be ensured, the concept of "publicly important services" was introduced, and favorable conditions for business were created [9].

The order of the health organization of the Republic of Kazakhstan, «On Approval of the Rules for the Implementation of the Subjects of Digital Health to Collect, Process, Store, Protect, and Transfer Personal Medical Data» provides for the relationship of the electronic document between medical professionals and the patient. That is, to protect personal medical data, subjects of digital health provide protection of confidentiality, integrity, and availability of personal medical data, information assets and control the use of information systems and information means with the use of organizational and technical measures of information protection, maintain confidentiality. Control of access to information objects is carried out by the subject of digital health by recording and logging time information about the user who performed these actions and the fact of placement, modification, and destruction of electronic information resources [10].

In general, the analysis showed that Kazakhstan has made significant strides in the development of the digital state, but we see a lot of work to be done to shape the current level of achievement of the smart target level in Kazakhstan. To maximize digital security:

- to collect the maximum amount of data and act in a way that digital transformation is accessible and fast; Transition to a platform model of digitalization, educating the public on digitalization and globalization;

- creating platforms where artificial intelligence aids human life; transition to systemic and sustainable involvement and integration of all sectors of the economy, as well as regions in the national innovation system and technological development, including should not be limited to the formation, development and use of the potential of sectoral centers of technological competencies, targeted technological programs.

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АЛҚАБИЛЕР СОТЫ СОТ ТӨРЕЛІГІН ЖҮЗЕГЕ АСЫРУҒА ХАЛЫҚТЫҢ ҚАТЫСУ НЫСАНЫ РЕТІНДЕ

Алқабилер соты – бұл халықтың құқық қорғау жүйесіндегі қатысуының маңызды формаларының бірі, ол азаматтарға айыпталушылардың кінәлі немесе кінәсіз екенін анықтау мәселесіне тікелей әсер ету механизмі болып табылады. Бұл институт, тарихы тереңге бойлаған, әділдік пен демократияның символына айналды, теңдік пен сот процесіне қатысу принциптерін бейнелейді. Бүгінгі құқықтық мемлекет жағдайында алқабилер соты құқық