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ADMINISTRATIVE-LEGAL DYNAMICS IN REGULATING MASS AND PUBLIC EVENTS IN KAZAKHSTAN

Abstract: This study explores the administrative-legal framework governing mass and public events, focusing on the dynamics of their formation and regulation within the realm of public governance. It highlights the authoritative and organizational essence of these relations, involving executive bodies, citizens, and collective entities such as public organizations. The analysis underscores the critical role of state oversight, which establishes behavioral norms for participants to ensure compliance with legal standards. The study also recognizes that these relations can be initiated not only by state authorities but also by other stakeholders, reflecting their multifaceted nature. In conclusion, it is affirmed that administrative-legal relations in this domain emerge from the exercise of citizens' constitutional right to peaceful and unarmed assemblies for lawful purposes, reinforcing the balance between civic freedoms and public order.

Keywords: mass and public events, administrative-legal relations, peaceful assembly, administrative law, public order

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БҰҚАРАЛЫҚ ЖӘНЕ ҚОҒАМДЫҚ ІС-ШАРАЛАРДЫ РЕТТЕУДЕГІ ӘКІМШІЛІК-ҚҰҚЫҚТЫҚ ДИНАМИКА

Аннотация: Бұл зерттеу бұқаралық және қоғамдық іс-шараларды реттейтін әкімшілік-құқықтық негіздерді, олардың мемлекеттік басқару аясындағы қалыптасуы мен реттелу динамикасына назар аударып қарастырады. Зерттеуде бұл қатынастардың билік және ұйымдастырушылық мәні, оған атқарушы органдар, азаматтар және қоғамдық ұйымдар сияқты ұжымдық субъектілердің қатысуы атап өтіледі. Талдау қатысушылардың заң талаптарын сақтауын қамтамасыз ету үшін мінез-құлық нормаларын белгілейтін мемлекеттік қадағалаудың маңызды рөлін баса көрсетеді. Зерттеу сонымен қатар бұл қатынастарды мемлекеттік органдар ғана емес, басқа да мүдделі тараптар бастама көтеруі мүмкін екенін мойындайды, бұл олардың көп қырлы сипатын көрсетеді. Қорытындыда әкімшілік-құқықтық қатынастар азаматтардың заңды мақсаттар үшін бейбіт және қарусыз жиналыстарға конституциялық құқығын жүзеге асыру барысында туындайтыны расталады, бұл азаматтық бостандықтар мен қоғамдық тәртіп арасындағы тепе-теңдікті нығайтады.

Түйінді сөздер: бұқаралық және қоғамдық іс-шаралар, әкімшілік-құқықтық қатынастар, бейбіт жиналыс, әкімшілік құқық, қоғамдық тәртіп

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АДМИНИСТРАТИВНО-ПРАВОВАЯ ДИНАМИКА В РЕГУЛИРОВАНИИ МАССОВЫХ И ПУБЛИЧНЫХ МЕРОПРИЯТИЙ В КАЗАХСТАНЕ

Аннотация: Исследование посвящено изучению административно-правовой базы, регулирующей массовые и публичные мероприятия, с акцентом на динамику их формирования и регулирования в сфере государственного управления. В работе подчеркивается властная и организационная сущность данных отношений, участниками которых являются исполнительные органы, граждане и коллективные субъекты, такие как общественные организации. Анализ выделяет ключевую роль государственного надзора, устанавливающего нормы поведения участников для обеспечения соблюдения правовых стандартов. Исследование также отмечает, что инициаторами этих отношений могут выступать не только государственные органы, но и другие

заинтересованные стороны, что отражает их многогранный характер. В заключение подтверждается, что административно-правовые отношения в данной сфере возникают в процессе реализации конституционного права граждан на мирные и безоружные собрания для законных целей, укрепляя баланс между гражданскими свободами и общественным порядком.

Ключевые слова: массовые и публичные мероприятия, административно-правовые отношения, мирное собрание, административное право, общественный порядок

Introduction

The maturation of civil society in Kazakhstan is characterized by a surge in civic participation across diverse public spheres, reflecting the deepening of democratic institutions. Central to this evolution is the right to freedom of assembly, which empowers citizens to articulate collective viewpoints and engage in meaningful dialogue with state authorities. This right not only amplifies civic agency but also underscores the progressive consolidation of democratic principles, fostering a dynamic interplay between society and governance structures.

The relevance of this study stems from the escalating significance of mass and public events in Kazakhstan's socio-political landscape, coupled with the pressing need to ensure their lawful, secure, and orderly conduct. In an era marked by rapid social transformations and heightened civic activism, the regulation of administrative-legal relations governing these events is paramount. These relations, shaped by interactions among executive bodies, citizens, and public organizations, require robust legal frameworks to balance the constitutional right to peaceful assembly with the imperative of public safety. The proliferation of diverse public expressions—ranging from political rallies to cultural festivals—further accentuates the need for effective legal regulation to mitigate risks and uphold societal stability.

Mass and public events encompass a wide array of activities, including political demonstrations, religious celebrations, national holidays, sporting events, and commemorative gatherings. These events, while vital for civic expression, pose unique

challenges in maintaining public order and ensuring participant safety. Effective coordination among law enforcement agencies, governmental authorities, and event organizers is essential to prevent disruptions and safeguard the rights of all stakeholders.

The primary objective of this study is to conduct a comprehensive analysis of the administrative-legal relations that emerge during the organization and execution of mass and public events in Kazakhstan. The study aims to elucidate the defining characteristics of these relations, explore their regulatory frameworks, and assess the roles of key actors, including state institutions, local governments, citizens, and public organizations. By evaluating the efficacy of current legal mechanisms and their impact on public order and constitutional rights, the study seeks to propose actionable recommendations for enhancing legislative and practical approaches in this domain.

The research addresses the following key questions:

1. What are the core features and legal foundations of administrative-legal relations in the context of mass and public events?
2. How do international and national legal frameworks shape these relations in Kazakhstan?
3. What challenges hinder the effective regulation of these relations, and how can they be addressed?
4. How can global best practices inform improvements in Kazakhstan's regulatory framework?

Theoretical foundations of administrative-legal relations

Administrative-legal relations in the context of mass and public events are defined as public interactions governed by administrative law, characterized by their authoritative and organizational nature. These relations arise within the framework of public administration, involving executive authorities, citizens, and collective entities such as public organizations. S.N. Bratanovsky conceptualizes these relations as «managerial interactions regulated by administrative law, where participants hold reciprocal rights and obligations» [11, p. 103]. Similarly, D.N. Bakhrah, B.V. Rossinsky, and Yu.N. Starilov describe them as «public relations within the managerial sphere, shaped by administrative legal norms» [14, p. 111].

These definitions highlight several core elements:

1. **Social Nature:** Administrative-legal relations are a subset of social relations, encompassing interactions among social groups, communities, and organizations, as outlined in the Large Encyclopedic Dictionary [16]. These relations reflect the broader societal dynamics of civic engagement and public expression.

2. **Normative Basis:** They are anchored in administrative legal norms that establish the rights, duties, and procedural frameworks for interactions between authorities and non-state actors.

3. **Authoritative Dimension:** These relations are inherently power-based, emerging from the state's administrative functions.

4. **Organizational Structure:** They involve structured processes and institutions to regulate participant behavior and ensure orderly conduct.

The right to peaceful assembly, a cornerstone of these relations, is enshrined in international human rights instruments. Article 20 of the Universal Declaration of Human Rights affirms that «everyone has the right to

freedom of peaceful assembly and association» [1]. This principle is reinforced by Article 21 of the International Covenant on Civil and Political Rights [2] and Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms [3]. These standards provide a global benchmark for national legislation, emphasizing the balance between civic freedoms and public order.

Legal Framework in Kazakhstan

In Kazakhstan, the legal framework governing mass and public events is primarily rooted in the Constitution, which guarantees citizens the right to peaceful and unarmed assemblies, including rallies, demonstrations, marches, and pickets. This right is operationalized through legislative norms designed to ensure public safety and order. The Law of the Republic of Kazakhstan dated May 25, 2020, No. 333-VI, «On the Procedure for Organizing and Holding Peaceful Assemblies,» provides a detailed regulatory framework, specifying procedural requirements for organizers, notification protocols, and the responsibilities of authorities [10].

Legal regulation, as a critical function of state governance, is defined by M.M. Rassolov as «the state's proactive efforts to formulate and enforce legal norms, coupled with mechanisms to ensure compliance» [4, p. 280]. N.A. Vlasenko emphasizes that legal regulation is a form of social regulation grounded in legal norms that structure societal interactions [5, p. 353]. A.V. Polyakov further notes that it involves «purposeful influence on participant behavior through legal instruments» [6, p. 442], highlighting its role in shaping public conduct.

The right to assembly extends to referenda, regulated by the Constitutional Law of the Republic of Kazakhstan dated November 2, 1995, No. 2592, «On the Republican Referendum.» Article 7 permits campaigning through mass events such as

rallies, meetings, and public debates [7]. However, this right may be restricted under exceptional circumstances, as outlined in the Law dated February 8, 2003, No. 387, «On the State of Emergency» [8], and the Law dated March 5, 2003, No. 391, «On Martial Law» [9], which may prohibit public gatherings to protect national security.

A comparative analysis of the administrative and legal regulation of mass and mass events in the CIS countries reveals various models of the implementation of constitutional law on peace meetings. The Russian Federation follows a largely warning procedure enshrined in Federal Law No. 54-FL, which provides for administrative and criminal liability for violations. The Republic of Belarus uses the authorization procedure established by the law «on public events», which focuses on obtaining the permit in advance and imposes strict restrictions. Kazakhstan, in turn, combines the principle of warning with the requirements of preliminary approval, does not provide direct criminal liability for violations, but applies strict administrative sanctions. Thus, there is variability in the level of state control and the forms of enforcement of the right to peace meetings in the jurisdictions under consideration.

Departmental regulations from the Ministry of Internal Affairs play a crucial role in preventing violations during mass events. These directives outline strategies for deploying law enforcement resources, ensuring participant safety, and maintaining public order. Their significance lies in establishing clear protocols to mitigate risks and uphold legal compliance, particularly in high-stakes scenarios such as political demonstrations or large-scale cultural events.

Practical Challenges in Regulation

Despite a robust legal framework, the regulation of mass and public events in Kazakhstan faces several practical challenges:

1. Procedural Ambiguities: The Law on Peaceful Assemblies, while comprehensive, contains vague provisions regarding notification timelines and grounds for prohibiting events, leading to inconsistent application. For instance, in 2022, several rallies in Almaty were denied approval due to ambiguous interpretations of «public safety risks» [17, p. 45].

2. Enforcement Gaps: Limited training and resources for law enforcement can hinder effective oversight. A 2023 report noted that only 60% of police officers in regional centers were adequately trained in crowd management techniques [18, p. 67].

3. Balancing Rights and Order: Authorities sometimes prioritize public order over civic rights, leading to excessive restrictions. A 2021 case in Astana saw a peaceful protest dispersed due to minor procedural violations, raising concerns about proportionality [19, p. 89].

4. Public Awareness: Many citizens and organizers lack awareness of legal requirements, resulting in unintentional non-compliance and subsequent conflicts with authorities.

These challenges underscore the need for clearer regulations, enhanced training, and public education to align legal frameworks with practical realities.

International Perspectives

Global practices offer valuable lessons for Kazakhstan. In Germany, the Assemblies Act (Versammlungsgesetz) provides a structured framework for regulating public gatherings, with clear notification procedures and judicial oversight to prevent arbitrary restrictions [20, p. 120]. The United Kingdom's Public Order Act 1986 balances freedom of assembly with public safety through risk assessments and police coordination, minimizing disruptions [21, p. 150]. In Canada, the Charter of Rights and Freedoms ensures robust protections for

peaceful assembly, with courts playing a key role in resolving disputes [22, p. 180]. These models emphasize transparency, proportionality, and stakeholder collaboration, which Kazakhstan could adapt to enhance its regulatory framework.

Recommendations for Improvement

To address identified challenges and strengthen the administrative-legal framework, the following recommendations are proposed:

1. **Legislative Refinement:** Amend the Law on Peaceful Assemblies to clarify notification procedures and criteria for restrictions, reducing ambiguity and ensuring consistency.

2. **Enhanced Training:** Implement mandatory training programs for law enforcement on crowd management, human rights, and conflict de-escalation to improve enforcement practices.

3. **Public Awareness Campaigns:** Launch initiatives to educate citizens and organizers about their rights and responsibilities under the law, reducing non-compliance.

4. **Digital Tools:** Introduce digital platforms for event notifications and approvals, streamlining processes and enhancing transparency, as seen in Estonia's e-governance model [23, p. 200].

5. **Judicial Oversight:** Strengthen judicial review mechanisms to ensure proportionality in restrictions, drawing on Canada's approach.

6. **Stakeholder Collaboration:** Establish regular dialogues between authorities, organizers, and civil society to foster trust and coordination, inspired by Germany's collaborative frameworks.

Conclusion

Administrative-legal relations in the regulation of mass and public events in Kazakhstan are pivotal for harmonizing civic freedoms with public order. These relations, governed by administrative law, emerge from

the exercise of citizens' constitutional right to peaceful and unarmed assemblies for lawful purposes. They are characterized by:

1. **Societal Importance:** Mass events are vital expressions of public will, requiring meticulous executive oversight to prevent disruptions and ensure safety.

2. **Regulatory Foundation:** Administrative legal norms provide the backbone for organizing and conducting these events, ensuring compliance and order.

3. **Diverse Stakeholders:** Participants include individual citizens, collective entities, executive authorities, and local governments, reflecting the relations' complexity.

4. **State Guidance:** The state establishes behavioral norms through legal regulations to guide participant conduct.

5. **Flexible Initiation:** These relations can be initiated by authorities, citizens, or organizations, highlighting their adaptability.

The role of law enforcement is critical, as deficiencies in administrative oversight can lead to significant public safety risks, as noted by I.A. Admiralova [15, p. 556]. To enhance the efficacy of these relations, Kazakhstan must address procedural ambiguities, bolster enforcement capacity, and draw on international best practices. By refining legislation, improving training, and fostering stakeholder collaboration, Kazakhstan can strengthen its administrative-legal framework, ensuring that mass and public events serve as vibrant platforms for civic expression while maintaining societal stability.

At the end of the study of the administrative and legal dynamics of the regulation of mass and mass events in the Republic of Kazakhstan, it should be noted the evolutionary nature of legal regulation in this area. The analysis of current legislation has identified both progressive aspects aimed at implementing the constitutional right of

citizens to peaceful meetings and areas that require further improvement.

It can be seen that optimizing coordination procedures through the introduction of digital platforms and precise regulation of deadlines, while increasing the responsibility of the organizers to ensure safety, contributes to more effective interaction between the organizers and the competent authorities.

The main focus of further development is to achieve a balanced approach that ensures the implementation of the right to hold events and an appropriate level of Public Safety. In

this regard, the development of clear and proportional criteria for the introduction of restrictions, as well as the introduction of mechanisms of judicial control over the decisions of the competent authorities, are presented as necessary measures.

Further scientific research can be directed to the study of the impact of the introduced changes in legislation on the practice of conducting public events and the development of additional recommendations for improving administrative and legal regulation in this area, taking into account international experience and legal standards.

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