ABSTRACT

of the dissertation by K.T.Ilyassov entitled «Constitutional-legal regulation of religious belief freedom in the Republic of Kazakhstan », submitted for the degree of Doctor of Philosophy (PhD) in the specialty «6D030100 – Jurisprudence»

Relevance of the research. Freedom of conscience and freedom of religion are among the fundamental human rights recognized both by national constitutional law and international human rights standards. Under contemporary conditions, issues related to ensuring freedom of religion have acquired particular significance due to the necessity of maintaining a balance between individual rights, the principle of secularism, public security, interfaith harmony, and the protection of the constitutional order.

The relevance of the research is determined by the adoption of the new Constitution of the Republic of Kazakhstan through a national referendum held on March 15, 2026. The entry into force of the new Constitution necessitated a reassessment of existing approaches to the constitutional and legal regulation of the religious sphere, clarification of the place of freedom of religion within the system of constitutional values, and evaluation of current legislation for its compliance with the new constitutional provisions.

The significance of the study is further enhanced by the need to improve legal mechanisms governing the activities of religious associations, missionary activities, religious expert examination, protection of religious rights and freedoms, and constitutional guarantees of freedom of conscience in the context of digitalization and the development of the information society.

Purpose of the Research

The purpose of the dissertation is to develop a scientifically grounded constitutional and legal model for regulating freedom of religion in the Republic of Kazakhstan that ensures a balance between freedom of conscience, the principle of state secularism, the rights of religious associations, public order, national security, and international human rights standards.

Research Objectives

To achieve the stated purpose, the following **objectives** were formulated:

– to reveal the concept, content, and structure of freedom of religion as a fundamental human right;

– to determine the correlation between freedom of conscience, freedom of religion, freedom of belief, and freedom of convictions;

– to examine international legal standards for ensuring freedom of thought, conscience, and religion;

– to analyze the formation and development of constitutional regulation of freedom of religion in the Republic of Kazakhstan;

– to study constitutional guarantees of freedom of conscience and freedom of religion;

– to analyze the legal status of religious associations and the specific features of their activities;

– to determine the constitutional and legal limits of state regulation in the religious sphere;

– to investigate contemporary issues concerning the exercise of freedom of religion and propose directions for improving the legislation of the Republic of Kazakhstan.

Object of the research. The object of the research is the social relations arising in the process of exercising, ensuring, protecting, and restricting freedom of conscience and freedom of religion in the Republic of Kazakhstan.

Subject of the Research

The subject of the research comprises constitutional, international, and sectoral legal norms regulating freedom of conscience and freedom of religion, the practice of their application by the Constitutional Court, courts, and state authorities, as well as doctrinal approaches to determining the content and limits of religious rights and freedoms.

Research Methods (Methodology). The methodological basis of the dissertation consists of general scientific and special legal methods of cognition. The study employs dialectical, historical-legal, comparative-legal, formal-legal, systemic-structural, and constitutional-legal methods.

The application of these methods made it possible to comprehensively examine international legal standards, national legislation, law-enforcement practice, and contemporary trends in the development of state-confessional relations.

Key Provisions Submitted for Defense:

Freedom of religion in the Republic of Kazakhstan is not only an individual human right but also a comprehensive constitutional and legal institution through which the secular nature of the state, equality before the law, freedom of association, freedom of expression, the right to education, judicial protection, and the limits of state intervention are manifested.

The constitutional formula that “religion is separated from the state” should not be interpreted as the exclusion of religion from the public sphere. Its legal meaning lies in the institutional independence of the state from religious associations, the neutrality of public authorities, the inadmissibility of a state religion, and the equal protection of religious and non-religious beliefs.

The internal dimension of freedom of conscience and freedom of religion cannot be subject to any restrictions. The state has no right to compel an individual to choose, change, maintain, disclose, or renounce religious beliefs. Legislative regulation may only concern the external manifestations of religious activity, provided that such regulation complies with constitutional requirements.

State registration of religious associations is a permissible means of acquiring legal entity status; however, it should not become a prerequisite for the existence of a religious community or for the peaceful practice of religion. The absence of registration cannot serve as a basis for interference with freedom of belief, religious self-identification, or peaceful religious communication.

Missionary activity requires a clearer constitutional and legal framework. Although the legislator may establish registration and procedural requirements, the

peaceful dissemination of religious beliefs should not be presumed to constitute a threat to public order or security. Restrictions on missionary activity must be based on proven risks to constitutionally protected values.

Religious expert examination should be transformed from a predominantly administrative filtering mechanism into a full-fledged legal procedure based on clear evaluation criteria, reasoned conclusions, expert independence, opportunities for interested parties to provide explanations, and effective judicial review.

Administrative liability in the religious sphere should not be applied formally but should take into account actual harm or proven risks to constitutionally protected interests. When considering such cases, competent authorities should assess not only the fact of violating a specific legal norm but also the proportionality of interference with freedom of conscience and freedom of religion.

The entry into force of the new Constitution of the Republic of Kazakhstan in 2026 necessitates a systematic revision of legislation regulating religious activities and religious associations. Particular attention should be paid to harmonizing special legislation with constitutional provisions on freedom of conscience, secularism, non-discrimination, freedom of expression, freedom of association, secular education, judicial protection, and the right to appeal to the Constitutional Court.

Under the new constitutional framework, the right of an individual not to disclose his or her religious affiliation derives from a combination of constitutional guarantees, including freedom of conscience, privacy protection, personal data protection, equality before the law and the courts, and the prohibition of discrimination based on religion or belief. Therefore, the absence of an explicit constitutional provision should not diminish the level of legal protection afforded to this right.

Effective protection of freedom of religion must be based on the direct application of constitutional norms by courts and constitutional review bodies. This ensures the practical and effective implementation of constitutional guarantees of human and civil rights and freedoms. Courts must not apply laws or other normative legal acts that infringe constitutional rights and freedoms, and where doubts concerning constitutionality arise, proceedings should be suspended and the matter referred to the Constitutional Court.

Description of the main research results.

The dissertation develops a comprehensive constitutional and legal framework for regulating freedom of religion under the conditions of the new constitutional development of the Republic of Kazakhstan.

The study identifies the legal nature, content, and structure of freedom of conscience and freedom of religion and determines their place within the system of fundamental human rights. The relationship between the internal and external dimensions of religious freedom is substantiated, and the constitutional criteria governing the regulation and restriction of religious activities are systematized.

A comprehensive analysis of international mechanisms for the protection of freedom of religion was conducted based on international legal instruments, United

Nations documents, Council of Europe standards, OSCE recommendations, and the legal experience of foreign states.

The Constitution of the Republic of Kazakhstan, legislation on religious activities and religious associations, legal positions of the Constitutional Court, and law-enforcement practice were examined, enabling the identification of current challenges and legal gaps in the implementation of freedom of religion.

As a result of the study, scientifically grounded proposals were developed for improving the registration of religious associations, the legal regulation of missionary activities, the conduct of religious expert examinations, the protection of religious rights, and the enhancement of state-confessional relations.

Justification of the novelty and significance of the results. The scientific novelty of the dissertation lies in the fact that it represents the first comprehensive study of the constitutional and legal regulation of freedom of religion under the conditions of the 2026 Constitution of the Republic of Kazakhstan.

The research systematizes existing scholarly approaches to the content of freedom of conscience and freedom of religion and clarifies the relationship between their internal and external dimensions. The constitutional foundations for the exercise and restriction of religious rights and freedoms are reconsidered from both theoretical and practical perspectives.

The author proposes legal mechanisms aimed at maintaining a balance between the secular nature of the state and the protection of fundamental human rights and develops new scientific approaches to improving state-confessional relations.

The theoretical and practical significance of the study is determined by the possibility of using its findings in legislative activities, law-enforcement practice, the work of public authorities, academic instruction, and further legal research.

Compliance with scientific development priorities and state programs. The dissertation corresponds to the priority scientific area “Research in Social Sciences and Humanities” approved by the Higher Scientific and Technical Commission under the Government of the Republic of Kazakhstan.

The findings of the research are consistent with the Concept of Legal Policy of the Republic of Kazakhstan until 2030, the Kazakhstan–2050 Strategy, the National Development Plan of the Republic of Kazakhstan until 2029, the Concept for the Development of Higher Education and Science for 2023–2029, as well as the legal modernization initiatives associated with the implementation of the new Constitution of the Republic of Kazakhstan.

In addition, the dissertation aligns with the priorities of state policy in the field of human rights protection and the ongoing constitutional and legal reforms in the Republic of Kazakhstan.

Description of the doctoral student’s contribution to each publication. The results of the research were discussed at various scientific and practical platforms and reflected in scientific publications. The key provisions of the dissertation are presented in 10 scientific works, including: 1 article published in the international scientific journal *International Journal of Advanced Research*

in Law and Economics; 3 articles published in journals recommended by the Committee for Quality Assurance in Science and Higher Education of the Republic of Kazakhstan; and 6 publications included in the proceedings of international scientific and practical conferences.

The theoretical and practical findings of the dissertation were presented and tested at the following scientific forums: the International Scientific and Practical Conference “Harmonization of National Legislation within the Framework of Integration Processes” (Karaganda, 2017); the International Scientific Conference *Education and Science without Borders* (Prague, 2018); the XV International Scientific and Practical Conference *Science and Civilizations* (Sheffield, 2019); the XV International Scientific and Practical Conference *AktualneProblemyNowoczesnychNauk* (Przemyśl, 2019); and the International Scientific and Practical Conference “Scientific Horizons of E.A. Buketov,” dedicated to the 100th anniversary of Academician E.A. Buketov (Karaganda, 2025).

All scientific findings, conclusions, and propositions submitted for defense were obtained independently by the author and constitute the result of his personal scientific research.

Structure and volume of the dissertation. The structure of the dissertation is determined by the purpose and objectives of the research as well as by the specific nature of the subject matter under consideration.

The dissertation consists of an introduction, three substantive chapters, a conclusion, a list of references, and appendices.