ANNOTATION

of the dissertation submitted for the degree of Doctor of Philosophy (PhD)
6D030100 – Law

KARIPBAYEV ZHASULAN BOLATBEKOVICH

Peculiarities of Administrative Offenses and Administrative Liability of Minors in the Republic of Kazakhstan

Relevance of the research. The intensive use of digital technologies, social networks and the internet space by minors has become one of the most pressing legal problems of our time. According to Kazakhstan's official data, in 2020-2024 the internal affairs bodies registered more than 1,200 offenses committed by minors or against them; a significant share is associated with nighttime hooliganism in computer clubs or in the online environment, dissemination of unlawful content, cyberbullying and fraudulent actions. For example, at a 2023 briefing the Pavlodar Region Police Department reported the identification of 17 incidents involving teenagers in a single region; it also noted an increase in cases of establishing dangerous contacts online, raising money via fictitious accounts, and committing online fraud. These data show that as youths' digital literacy grows, instances of using technology for unlawful purposes also emerge. On the other hand, the international community, including UNICEF and the Organization for Security and Co-operation in Europe (OSCE), consistently recommends strengthening measures to protect minors from harassment and violence on the internet. UNICEF's "Child Online Protection" report emphasizes that despite the considerable opportunities digital technologies offer for children's mental and social development, phenomena such as virtual violence, hate speech and cyberbullying are rapidly spreading. In its 2024 report "Blunting the cutting edge of crime: cybercrime in Central Asia," OSCE experts point to the intensification of cybercrime in Central Asia, including among adolescents, as well as to the underdevelopment of legal mechanisms targeted at this group.

The relevance of the issue is also confirmed by the dynamics of lawmaking and law enforcement in Kazakhstan. In 2022, the term "cyberbullying" was formally introduced into the Law "On the Rights of the Child," and in 2023 Article 127-2 was added to the Code of the Republic of Kazakhstan on Administrative Offenses (CAO), providing for administrative liability for bullying actions against minors. These steps demonstrate societies and the state's recognition of the need to protect children in cyberspace and the formation of concrete legislative instruments. At the same time, questions remain about the sufficiency of measures and the architecture of liability when the minor himself acts as an offender online: which liability mechanisms are applicable and how should they correlate with the aims of prevention and resocialization? In 2020-2025, cases are frequently recorded involving teenagers staying in internet clubs at night, using offensive

language, and committing acts of cyberbullying; however, the procedural aspects of detecting, lawfully collecting, examining and assessing digital evidence are not systemically regulated. In practice, difficulties arise, for example, with the evidentiary status of screenshots or the procedure for requesting log files from a provider.

Purpose of the dissertation research. To conduct a comprehensive administrative-legal study of minors' cyber offenses, to assess the effectiveness of national legislation and law-enforcement practice, and to prepare scientifically grounded proposals adapted to Kazakhstan's conditions, taking into account international experience.

To achieve this purpose, the following **objectives** are set:

- to systematize the conceptual-theoretical foundations and specific features of minors' cyber offenses;
- to analyze the experience of administrative-legal regulation of cyber offenses involving minors in the legislation of the Republic of Kazakhstan;
- to carry out a comparative study of international and foreign models of legal regulation;
- to identify key problems and gaps in national practice;
- to substantiate effective administrative-legal measures for protecting the rights of the child and for prevention, formulating concrete proposals.

Object of the research. Unlawful behavior patterns of minors in cyberspace and the mechanisms of their administrative-legal regulation.

Research Methods (Methodology). Several approaches were used as the methodological basis of the study. First, the dialectical method made it possible to account for the dynamic nature of the topic within the constantly evolving digital environment and to analyze juvenile delinquency in connection with social conditions and technological development processes. Second, through comparative legal analysis, the legislation of Kazakhstan was examined alongside the experience of countries such as the United States, Germany, South Korea, and the Baltic states, allowing for the identification of similarities and differences. Third, the statistical method contributed to the systematization of official data from law enforcement agencies and courts for the years 2020–2025 and facilitated the description of cyber-related offenses using concrete numerical indicators. Fourth, within the framework of legal and normative analysis, the 2022 version of the Law «On the Rights of the Child,» newly introduced articles of the Administrative Code, as well as international instruments - the Budapest Convention on Cybercrime, the Lanzarote Convention, and recommendations of UNICEF and the OSCE - were examined.

Key Provisions Submitted for Defense:

- Minors' cyber offenses should be treated as an independent "administrative-legal" category; clear criteria and elements of the concept of a "digital delict" should be enshrined in special provisions of the CAO (or in corresponding sub-paragraphs).
- The procedural order for recognizing digital evidence (screenshots, log files, emails) as admissible and relevant in administrative proceedings needs

improvement: the regulations for requesting information from providers and social-network administrators should be detailed, and methods for certifying electronic documents should be firmly fixed.

- The limits of the child's liability and the parents' obligations should be delineated by clearly defining the corresponding norms: who is responsible and to what extent for the actions of 14-15-year-old adolescents (e.g., cyberbullying, fraud), and in which cases fines or educational influence measures are applied to parents.

- Drawing on foreign experience (strengthening parental liability in the USA, Germany's NetzDG law, corrective programs in the Republic of Korea), proposals should be prepared for adaptation to Kazakhstan's legislation: introduce mechanisms for cooperation between law-enforcement agencies and platforms, and adopt overseas solutions with due regard for national specifics.

- Priority should be given to preventive and educational measures: instead of harsh punitive sanctions, ensure broad access for minors-at the statutory level-to counseling, psychological and corrective-behavioral programs; the expected effect is a reduction in repeat cyber offenses.

Thus, the administrative-legal analysis of minors' cyber offenses represents a point of contact between new digital branches of law and classical administrative delictology. Monitoring children's digital behavior, prevention, bringing to liability and-most importantly - ensuring their normal development is a task that cannot be solved solely by punitive means; it requires comprehensive action. Such a multifaceted analysis can offer practical guidelines to public authorities, the legislator and educational organizations and, as expected, reduce the prevalence of dangerous digital practices among teenagers. Ultimately, the theoretical and practical value of the research lies in strengthening society's culture of digital safety and protecting children from unlawful acts.

Description of the main research results.

The results of the study include specific proposals that can be used to improve the legislation of the Republic of Kazakhstan. In particular, it is proposed to introduce new types of offenses into the Code of Administrative Offenses, such as cyberbullying, online fraud, and digital fraud; as well as to supplement the Criminal Code with special provisions related to cyber-offenses committed by minors (for example, mitigation of punishment or corrective measures). The research materials have applied value for the preventive and investigative work of law enforcement agencies, as well as for the education system. It is proposed to develop special methodological guidelines and organize training sessions for police officers, school psychologists, social educators, and teachers. These measures will strengthen the implementation of educational programs on internet safety in schools and promote the development of digital literacy courses for parents and children. Ultimately, the recommendations contribute significantly to protecting minors from online threats and preventing offenses.

The study also identifies areas requiring further research within the Kazakhstan context. First, the rapid development of digital technologies generates new forms of unlawful conduct, which necessitates continuous updates of legal

regulation in this sphere. Relevant tasks include developing legal responses to such trends as fraud involving artificial intelligence and virtual reality (VR) technologies, as well as crimes committed using blockchain and cryptocurrency tools. Second, it is important to study in depth the relationship between adolescents' online activity and their psychological and social well-being. This requires the development of methods for assessing digital risks and behavioral models that can prevent minors from engaging in unlawful online activities. It is also advisable to analyze international experience and existing digital education programs to improve the national strategy for protecting children from online threats.

Justification of the novelty and significance of the results.

The novelty of the dissertation lies in the fact that cyber-offenses committed by minors are, for the first time, examined as an independent legal category within national law; the interrelations between administrative liability, parental obligations, and the role of internet providers are clarified; and specific proposals are formulated for adapting international standards to national conditions.

First, on the basis of a comprehensive analysis, the definition of "cyber-offenses committed by minors" was formulated for the first time, and its elements and types were systematized. Second, a thorough analysis of the legal framework of the Republic of Kazakhstan revealed and described legal gaps and contradictions related to cyber-offenses by minors. Third, comprehensive recommendations were developed to improve the mechanisms of prevention and legal protection in this field, including legislative amendments, updates to educational programs, and improvements to law enforcement methodology. Additionally, social-psychological and legal mechanisms of influence were proposed, taking into account adolescents' propensity for cyber-offending thus introducing new scientific insights not previously examined in this research area.

Compliance with scientific development priorities and state programs.

The dissertation is aligned with the main directions of legal development set forth in the Concept of Legal Policy of the Republic of Kazakhstan until 2030, the "Kazakhstan 2050" Strategy, the National Development Plan until 2029, the Concept for Digital Transformation and the Development of ICT and Cybersecurity for 2023-2029, the Concept for the Development of Artificial Intelligence for 2024-2029, and the Concept for the Development of Higher Education and Science for 2023-2029. The results also correspond to the "Cyber Shield of Kazakhstan" (Cybersecurity Concept, Government Resolution No. 407 of 30.06.2017), the interagency agenda on bullying/cyberbullying, and the 2025 national program "Protecting Children from Online Violence."

Description of the doctoral student's contribution to each publication.

The results were presented at various scientific and practical venues and were reflected in publications. The key provisions of the dissertation are set out in 10 works, including: 1 article in the international journal *International Journal of Advanced Research in Law and Economics*; 3 publications in journals recommended by the Committee for Quality Assurance in the Sphere of Science and Higher Education of the Republic of Kazakhstan; and 6 papers in international

scientific-practical conference proceedings. Theoretical and applied results were presented and validated at the following conferences: "Legal System of Kazakhstan amid the Modernization of Legal Consciousness" (Karaganda, 2018); "New Achievements of European Science -2019" (Sofia, 2019); "Development of the National Legal System and Strengthening of Theoretical and Historical Foundations of Kazakhstani Statehood" (Karaganda, 2019); "Current Issues of Legal Regulation and New Approaches to the Implementation of National Law" (Karaganda, 2021); "Ways to Resolve Labor Disputes and Other Conflict Situations in Social and Labor Relations" (Almaty, 2025); "The Role of Internal Affairs Bodies in the Constitutional-Legal Protection of Rights and Freedoms and Ensuring the Rule of Law" (Karaganda, 2025).

Structure and volume of the dissertation.

The logic and structure of the work are determined by its aims and objectives, as well as by the specificity of the issues under study. The dissertation includes an introduction, four substantive sections, a conclusion, a list of references, and appendices.