МРНТИ 10.27.51 УДК 347.7 10.51889/2959-6181.2024.75.1.006

A.Satbayeva ¹, J.P. Ivary²

¹Kenzhegali Sagadiyev University of International Business

²Lapland University of Applied Sciences

INTERNATIONAL CONSUMER PROTECTION STANDARDS

Abstract

The article is devoted to the legal regulation of consumer protection and the standards for the protection of consumer rights of goods (works, services) adopted during the development of international legislation. International standards for the protection of consumer rights require implementation in national legislation due to the urgent need to become familiar with world standards and international practice. The author comes to the conclusion on the systematic consolidation of international standards for the protection of consumer rights in order to ensure the sustainability of the development of any sphere of consumption, as well as the need to develop e-commerce as a guarantee of the economic security of the state.

Keywords: international standards; consumer rights; human rights; safety of goods (works, services); rational consumption; sustainable consumption; e-commerce; consumer policy.

Сатбаева А.М. ¹, Ivary J.P. ²

¹ Университет Международного Бизнеса имени Кенжегали Сагадиева

² Лапландский университет прикладных наук

МЕЖДУНАРОДНЫЕ СТАНДАРТЫ ЗАЩИТЫ ПРАВ ПОТРЕБИТЕЛЕЙ

Аннотация

Статья посвящена правовому регулированию защиты прав потребителей и принятым в ходе развития международного законодательства стандартам защиты прав потребителей товаров (работ, услуг). Международные стандарты защиты прав потребителей требуют внедрения в национальное законодательство ввиду назревшей необходимости приобщения к мировым стандартам и международной практике. Автор приходит к выводам о системном закреплении международных стандартов по защите прав потребителей в целях обеспечения устойчивости развития любой сферы потребления, а также необходимости развития электронной торговли как гарантии экономической безопасности государства.

Ключевые слова: международные стандарты; права потребителей; права человека; безопасность товаров (работ, услуг); рациональное потребление; устойчивое потребление; электронная торговля; потребительская политика.

A.M. Сатбаева 1 , J.P. Ivary 2 1 Кенжеғали Сағадиев атындағы Халықаралық бизнес университеті 2 Лапландия қолданбалы ғылымдар университеті

ТҰТЫНУШЫЛАРДЫҢ ҚҰҚЫҚТАРЫН ҚОРҒАУДЫҢ ХАЛЫҚАРАЛЫҚ СТАНДАРТТАРЫ

Аңдатпа

Мақала тұтынушылардың құқықтарын қорғауды құқықтық реттеуге және халықаралық заңнаманы дамыту барысында қабылданған тауарларды (жұмыстарды, көрсетілетін қызметтерді) тұтынушылардың құқықтарын қорғау стандарттарына арналған. Тұтынушы-

лардың құқықтарын қорғаудың халықаралық стандарттары әлемдік стандарттар мен халықаралық практикаға қосу қажеттілігінің пісіп-жетілуіне байланысты ұлттық заңнамаға енгізуді талап етеді. Автор тұтынудың кез келген саласының тұрақты дамуын қамтамасыз ету мақсатында тұтынушылардың құқықтарын қорғау жөніндегі халықаралық стандарттарды жүйелі бекіту, сондай-ақ мемлекеттің экономикалық қауіпсіздігінің кепілі ретінде электрондық сауданы дамыту қажеттігі туралы қорытындыға келеді.

Түйін сөздер: халықаралық стандарттар; тұтынушылардың құқықтары; адам құқықтары; тауарлардың (жұмыстардың, көрсетілетін қызметтердің) қауіпсіздігі; ұтымды тұтыну; тұрақты тұтыну; электрондық сауда; тұтыну саясаты;.

Introduction. Socio-economic human rights include the right to work, the right to fair wages, the right to social security, the right to housing, the right to education, and other rights aimed at providing a person with decent living conditions. Protecting these rights is an important task for the state and society as a whole. To protect socio-economic human rights, it is necessary to adopt relevant laws and international treaties, create institutions and mechanisms for monitoring their compliance, and ensure access to judicial protection and compensation in case of violation. Consumers, as part of society, also have rights that require protection. These are the right to safe goods and services, the right to information about products, the right to protection from false advertising and deception, and the right to compensation for damages in case of violation of rights. The state and society must cooperate to ensure the protection of socio-economic human rights and consumer rights. This will help create a just and sustainable society where every person can live in dignity and security.

"International legal standards are considered as provisions enshrined in generally recognized acts that establish fundamental rights and freedoms, as well as the obligations of persons under the jurisdiction of the world community of states" [1, p. 265]. In this regard, international standards for the protection of consumer rights, as the result of all world achievements in this area, require detailed study and rapid implementation in regional and national legislation in view of their testing and approval in international practice.

The purpose of this article is determined by the need to conduct a comprehensive theoretical and legal study of the content of international standards for the protection of consumer rights, the possibility of their implementation in regional integration and national legal systems.

Materials and methods. The methodology and methods of research of this work represent methods of dialectical and formal logic, methods of analysis, synthesis, as well as special methods of legal research: legal, comparative, methods of analysis and interpretation of legal norms.

Results and discussion. Over time, the consumer protection paradigm at the international level has continued to evolve. In 1985, Consumers International was created to bring together national consumer organizations from around the world. This was an important step towards cooperation and coordination of consumer protection activities at the international level. In subsequent years, various international documents and resolutions were adopted aimed at protecting consumer rights. For example, the Organization for Economic Cooperation and Development (OECD) Principles on Consumer Protection, the UN Principles on Consumer Protection and others. These documents provide guidance and standards that help governments and consumer organizations develop legislation and practices to protect consumer rights. Today, the international community places increasing emphasis on consumer protection as an important aspect of economic and social development. There are a large number of international organizations and initiatives dealing with this issue, such as the European Commission, the World Health Organization, the International Telecommunications Union and others. Thus, the evolution of the consumer protection paradigm at the international level reflects the growing importance of ensuring the rights and interests of consumers in the context of globalization and the growth of the world economy. However, despite

the progress in this area, the problems of protecting consumer rights remain relevant and require constant attention and further development of legislation and protection mechanisms.

The UN Conference on Environment and Development in Rio de Janeiro in June 1992 adopted Agenda 21, which raised other pressing consumer policy issues interrelated with other human rights, including issues of sustainable production and consumption. The Rio de Janeiro conference placed significant emphasis on sustainable consumption standards, including efficient use of energy and resources, minimizing waste production, promoting environmentally sound consumer choices and other aspects. Establishing these standards promotes sustainable development and ensures strong, healthy ecosystems for future generations [2].

The changes to the Guidelines reflect a global perspective on environmental issues and demonstrate the importance of integrating environmental protection into consumer protection strategies. The guidelines were expanded by Economic and Social Council resolution 1999/7. They also highlight the importance of active consumer participation in sustainable development and environmental protection. Thus, consumer protection and environmental protection are closely linked and represent important aspects of sustainable development. Guiding principles in this area encourage action by governments, businesses and the public to conserve resources, improve quality of life and ensure a sustainable future for all [3].

Adopted by the UN General Assembly on September 25, 2015, resolution 70/1 "Transforming Our World: The 2030 Agenda for Sustainable Development" sets the goal for UN member countries to ensure sustainable consumption and production, which includes protecting the environment, reducing greenhouse gas emissions, improving energy efficiency and using renewable energy sources. This resolution also focuses on consumer protection issues, including their right to product information, their safety, and protection from cheating by manufacturers. Thus, consumer legislation is becoming more environmentally oriented and aimed at ensuring sustainable development. Taking into account the accelerated pace of change in the world and the climate situation, it is important that countries and international organizations cooperate and work together to implement the goals of sustainable development and environmental protection. Only in this way can the future be secured for all the inhabitants of the planet [4]. Resolution 70/1, "Transforming Our World: The 2030 Agenda for Sustainable Development," outlined 17 Sustainable Development Goals and 169 targets that are integrated and based on a balance of economic, social and environmental factors. This means that sustainable consumption not only has an impact on the environment, but also stimulates innovation, creates new opportunities for business and society as a whole (clause 33). Therefore, it is important to ensure the availability and quality of services for all segments of the population, taking into account their needs and features. Sustainable consumption and production are key elements for achieving sustainable development and conserving resources for future generations. The transition to sustainable consumption requires joint efforts from states, businesses, the public and every individual.

Yes, the decision of the UN General Assembly of December 22, 2015 to revise the Guidelines (resolution 70/186) and the call to focus on the best international standards and practices in various fields, such as e-commerce and financial services, focusing on important aspects for consumer health (food, water, pharmaceuticals, energy, and utilities), as well as accounting for tourism features, is a logical and meaningful step. These measures contribute to the improvement of standards and ensure the protection of consumer interests on a global scale [5].

An interesting look at the evolution of international consumer law has been observed for the past 40 years. The changes highlight the importance of seeing the consumer as a critical player. In the 1980s, under the influence of consumerist movements, the international community initially decided to protect consumer rights, realizing that consumers are a vulnerable party in contractual relations and are negatively affected by the market economy.

Nevertheless, at the turn of the 21st century, the post-industrial era began, which added new aspects to the concept of the consumer as the main subject. In the context of the digital economy, integration processes and deepening environmental problems, the consumer requires additional

guarantees to exercise his rights. In general, these changes indicate the need to constantly update approaches to consumer protection in accordance with modern challenges and trends.

The modern consumer is becoming more demanding and actively uses modern technologies to meet his needs (educational, information, tourist, etc.). Such a consumer is focused on the growth of personal potential, values environmental responsibility, participates in the exchange of information and the formation of public opinion through digital platforms. The interaction of manufacturers with such consumers requires new approaches and strategies that take into account their active participation in the digital space and social sphere. The concept of "ethical consumer" is becoming increasingly significant in modern society. For such a consumer, not only the price of goods is important, but also the social responsibility of the manufacturer, including the environmental friendliness of production, compliance with social norms (for example, the fight against child labor, fair wages, refusal to finance military conflicts, etc.). Such consumers actively support brands and companies that adhere to ethical principles and values [6].

The new relationship of a post-industrial digital society is characterized by greater consumer participation in the economic process and social life. In comparison with the passive consumer of the twentieth century, the new consumer takes a more active position, requires additional means of protection and is considered as a stronger side of the contract. These changes reflect a shift from traditional industrial relationships to the new realities of digital society.

The shift from a rational economic consumer primarily focused on the price-quality formula to a more professional consumer who is well-informed about products and services marks a significant evolution in consumer behavior. This new type of consumer actively engages by creating reviews, maintaining blogs, advocating for environmental and social standards, and participating in relevant programs. This transition underscores a fundamental change in consumer consciousness toward sustainability, social responsibility, and informed decision-making. The empowered consumer plays a vital role in fostering positive change and promoting ethical practices within the market.

Consumerism in the modern sense continues to gain traction in the 21st century, reflecting evolving global trends. International consumer legislation is adapting to address this shift and cater to the needs and rights of consumers worldwide as consumption patterns evolve.

Analysis of international consumer protection standards enshrined in UN General Assembly Resolution 70/186 "Consumer Protection" [5].

1. National Consumer Protection Policy.

Raising consumer awareness of their rights and responsibilities also plays an important role in national consumer protection policies. Consumers need to be aware of what rights they are granted by law, how to act in the event of a violation of their rights, how to seek help and protection. This can be achieved through educational campaigns, seminars, educational events, as well as by disseminating information through the media and other communication channels.

Public authorities also play an important role in consumer protection. National authorities responsible for monitoring compliance with consumer protection legislation must have sufficient powers, resources and independence to effectively carry out their functions. In addition, cooperation between different levels of government and international organizations to share experiences and develop common consumer protection strategies is also important.

An important aspect of the national consumer protection policy is also the monitoring and analysis of the market, the identification of violations of consumer rights and the adoption of preventive measures to prevent them. Regular data checks and analysis allow you to assess the effectiveness of legislation and consumer protection measures taken and make the necessary adjustments to improve the situation.

In general, national consumer protection policies should be comprehensive and cover all aspects of the relationship between consumers and suppliers of goods and services. It is important to consider market specifics, needs and interests of consumers to ensure effective protection and support of their rights.

Clause 14 of the Guidelines determines that national consumer policy should contribute to the provision by consumers' counterparties of complete and reliable information about goods (works, services), the protection of consumers' personal information (personal data), the creation of transparent, cheap, operational mechanisms for resolving consumer disputes, the formation of guarantees of contractual regulation, relatively concise and understandable wording of the terms of the contract, the grounds for its termination and return of goods (work, services).

Psychological safety. In addition to physical security, it is also important to ensure the psychological safety of consumers. This means that products (works, services) should not cause stress, anxiety, or other negative emotions in consumers. For example, products containing information or images that may cause psychological harm must either be alerted or removed from the market. It is also important to conduct tests and tests of products for psychological safety before their release on the market. Important Safety Guarantee Guidelines call proper informing consumers about the rules for the safe use of goods (works, services) using popular and understandable designations (paragraph 17).

Cyber security. With the increase in online trading and the use of digital technologies, it is important to ensure consumer cyber security. This includes protecting consumer personal data, protecting against cyber-attacks, viruses and other threats in an online environment. Companies must apply state-of-the-art data encryption technologies, enhanced authentication and other measures to ensure their customers' cyber security.

Environmental safety. In light of the threats of climate change and pollution, it is also important to ensure the environmental safety of products. Products should not contain environmentally harmful substances, sustainable production and packaging methods should be used, as well as issues of disposal and processing of products after use should be taken into account. The ecological footprint of products should be minimized to preserve the environment and human health.

Protecting consumers' economic interests. Promoting compliance with consumers' economic interests is an important aspect of modern business and market environment. Consumers are interested in ensuring that competition rules are observed in business circles. Unfair actions, such as the proliferation of false advertising, monopolization or division of the market, deception of consumers and other violations, harm consumers. It is important to implement measures to ensure a fair and competitive environment where consumers can be confident in the quality of products and services, as well as fair treatment by businesses.

This standard assumes that the imperative norms regarding:

- Prohibition of the use of business practices that harm the economic interests of consumers and their right to choose (clause 20).
- Enabling consumer organizations to monitor compliance with mandatory legal requirements regarding food, advertising and the prevention of consumer deception (clause 21).
- Ensure that the manufacturer is responsible to ensure that the goods meet reasonable standards of durability, utility, reliability and usability in the intended manner (item 23).
- Guarantee to consumers of additional rights to fulfill their interests in concluded contracts (Clause 26).
- Providing consumers with assistance in obtaining information about the product and its environmental impact (paragraphs 27 29).

The recommendation to promote the development of non-governmental regulation through the conclusion of voluntary agreements between consumer and business organizations on the adoption of marketing codes and other acts of regulation of the business environment looks very exciting. This is an approach that can help improve and harmonize standards in the business area, taking into account the interests of all parties.

Safety and quality standards for consumer goods and services. Product quality and safety standards are usually defined in regulatory technical legal acts, which may be part of the system of integration associations of states or national norms. These regulations may be mandatory or voluntary to comply with. In accordance with the guidelines in paragraph 33, it is recommended

that States keep these norms up to date and monitor their compliance with generally recognized international technical standards.

According to paragraph 36, the system of distribution of consumer goods and essential services should be formed on the basis of the implementation of appropriate state policy in each state. This includes establishing warehouses, retail chains, even in rural areas, encouraging consumer self-help, and establishing consumer cooperatives.

In addition, an important aspect of consumer legal protection is to guarantee consumers access to remedies in the event of a violation of their rights or damage caused by unscrupulous manufacturers or sellers. This includes transparent and effective mechanisms for going to court, compensating for damages and compensating for deficiencies in goods or services. It is also important to ensure that consumers are informed of their rights and how to exercise legal protection so that they can defend their interests in the event of disputes.

An important point is also the improvement of consumer protection legislation and regulations to make them more effective and adapted to modern challenges. It is necessary to constantly update and improve laws so that they comply with modern conditions, technologies and methods of deceiving consumers. In addition, it is important to monitor compliance with these laws and regulations in order to punish violators and prevent negative consequences for consumers.

Education and Awareness Programs. The following is recommended for effective implementation of education and awareness programs:

Programs should be developed and implemented by both government agencies and organizations, as well as public consumer organizations, as well as commercial organizations.

It is necessary to use the education and information system, including the media, to disseminate information.

Educating consumers on literacy skills will help them make informed consumer choices in a variety of areas such as healthy eating, product safety, product labeling, legislative protection, environmental protection and efficient use of resources.

Programs should also include providing information on products, e-commerce features, financial services and other aspects to raise consumer awareness.

The implementation of these programs will help to form a consumer culture and increase the level of education among consumers.

The principle of promoting rationalization of consumption involves interaction between consumers, the state, entrepreneurs, trade unions, public environmental and consumer organizations. It is recommended to implement it through various mechanisms:

Legal mechanisms: Adoption of regulatory legal acts regulating rational consumption and protecting consumer rights.

Economic mechanisms: The use of tax instruments to stimulate rational consumption, the creation of economic mechanisms that encourage environmentally friendly products and services.

Social mechanisms: Promoting positive practices and patterns of consumption, supporting information campaigns, establishing the exchange of experiences between various stakeholders.

These mechanisms in partnership contribute to improving the environmental situation, economic sustainability and socio-cultural development, which ultimately leads to a more harmonious and sustainable society.

Such incentives may include various tax incentives, subsidies and other support measures for companies that carry out environmentally responsible production, as well as for consumers who choose environmentally friendly goods. In addition, it is important to establish legal mechanisms for mandatory environmental expertise before the start of production or introduction of new technologies, as well as for monitoring the use of hazardous substances. This will help prevent negative impacts on the environment and human health. Thus, promoting environmentally responsible production and consumption is an important step to preserve the environment and ensure sustainable development.

E-commerce plays a key role in the modern economy due to its speed, variety of products and

convenience for consumers. The pandemic has accelerated e-commerce growth trends, leading to increased online shopping and digital content usage. Surveys conducted by the United Nations Trade and Development (UNCTAD), the Electronic Commerce Association of Brazil (NIC.br) and Turkey's Inveon showed an increase of 6-10% in online shopping across many product categories. More than half of respondents prefer to shop online and receive digital content and health information via the Internet instead of traditional news sources [7]. Similar trends are observed in the Republic of Kazakhstan.

The guidelines are general guidelines for Member States of the United Nations (UN) regarding this type of trade. These principles are aimed at providing a level of protection that should not be lower than for other forms of trade (para. 63), as well as informing consumers and entrepreneurs about their rights and obligations in the digital market (para. 64).

Financial services. The financial services principle includes many directions for Member States in the area of financial consumer protection. According to paragraph 66, Member States must develop specific policies, establish supervisory authorities, control and insurance mechanisms to protect consumer assets, create financial literacy strategies, ensure transparent disclosure of information to identify conflicts of interest and prevent harm, encourage responsible behavior of financial service providers, with taking into account the financial capabilities of consumers, as well as ensuring the protection of financial information from illegal use. It is also important to reduce the cost and increase transparency of money transfer services.

Paragraphs 69 to 78 of the Guidelines focus on various areas affecting consumer health, such as food security, water supply, pharmaceuticals, energy, utilities and tourism services. The emphasis is on the importance of safety and quality (in the food sector, water supply), fair distribution (water and energy), ensuring accessibility to all (food products, utilities) and solving international issues (tourism).

E-commerce and rationalization of consumption play a significant role in international consumer protection policies. E-commerce requires a digital space, which highlights the importance of digital rights. To exercise these rights, consumers need access to hardware and software, as well as to the Internet.

An interesting definition of the right to information is carried out by M. S. Buryanov and E. V. Talapin, taking into account the aspects of access to information resources via the Internet, as well as ensuring the protection of privacy and personal data [8, 9 p. 131]. They determine the content of the right to information through access to the Internet, information and communication resources and technologies, as well as ensuring the protection of privacy and personal data.

Digital inequality manifests itself in the fact that certain categories of people, the most vulnerable from a socio-economic point of view, are deprived of access to the opportunities offered by e-commerce due to inaccessibility or misunderstanding of modern technologies. It can also mean unequal access to information, education, social and public services via the internet. To address this challenge, special approaches and programmers must be developed to improve digital literacy and ensure access to technology for vulnerable populations. This can include organizing training courses on working with computers and the Internet, creating convenient and accessible interfaces for mobile applications and websites, as well as promoting digital skills among the population.

The first international standards in electronic commerce were adopted by the Council of the Organization for Economic Cooperation and Development on March 24, 1999. These standards were Guidelines for Consumer Protection in the Context of E-Commerce and were revised in 2016. [10]. In 2017, UNCTAD published a note by the Secretariat entitled "Consumer protection in ecommerce," highlighting important issues that need attention and development. Some of these issues include the security of online payments, combating unfair business practices, ensuring the protection of personal data, countering unfair contract terms that can infringe on consumer rights, as well as problems related to cross-border e-commerce. These aspects require attention and joint efforts to develop effective mechanisms and standards that promote consumer advocacy in e-commerce [11].

Rationalizing consumption plays an important role in achieving sustainable development, and this is supported by various international normative instruments, including the 1972 United Nations Conference on the Environment Declaration [12], 1992 Agenda 21 [13], 2000 United Nations Millennium Declaration [14], 2002 Johannesburg Declaration on Sustainable Development [15] and resolution 70/1 "Transforming our world: Sustainable Development Agenda 2030 "2015. Goal 12 of this resolution is defined as "ensuring the transition to rational consumption and production models" [4].

The concept of sustainable development emphasizes the importance of balancing economic, environmental and social aspects to conserve resources and ensure well-being for current and future generations. In this model, a person is seen not only in the role of a consumer, but also as a responsible participant in social life and the owner of natural resources, striving for sustainable and harmonious coexistence with the environment.

A note from UNCTAD in 2019 identified the following value benchmarks related to sustainable consumption and consumer protection:

Active interaction: Consumers and entrepreneurs are seen as active participants, with interaction among themselves contributing to sustainable consumption.

Promoting sustainable consumption: The activities of consumers and entrepreneurs are aimed at creating conditions for sustainable and rational consumption of resources.

Implementation of consumer protection policy: The focus is not only on improving consumption conditions, but also on guaranteeing consumer protection and compliance with appropriate policies [11]. Obviously, in the modern world, entrepreneurs increasingly need to pay attention to social and environmental issues. The development of sustainable production, marketing and distribution models becomes an important aspect of their activities, as well as complies with international human rights standards. Such an approach can help to better solve global problems and create a sustainable business in the long term.

Conclusion. International standards for the protection of consumer rights of goods (works, services) are systemically determined by the UN General Assembly in resolution 39/248 "Protection of consumer interests," which contains 11 basic principles. These principles cover various aspects, such as national consumer protection policies, physical security, promoting compliance with consumer economic interests, and protecting the latter. It is important that these principles be implemented in the national and regional legal systems of Member States to ensure effective protection of consumer interests. Various aspects of consumer protection can have a variety of development guidelines and sources of legal regulation. For example, the creation of education and consumer awareness programs may be focused on national legislation, while financial services and e-commerce may fall under other types of regulation. All these aspects should be taken into account and coordinated within the framework of consumer protection policies to ensure their effective implementation.

Indeed, we can notice the gradual development of the "greening" of international consumer legislation in light of growing global environmental problems. These changes are also related to the evolution of the role of the consumer in a post-industrial society, and the influence of postmodern theories in economic and legal science. In the modern context, a person is seen as a responsible social person, actively involved in processes related to solving problems throughout the life cycle of goods, works, and services.

The presented study emphasizes the importance of the role of the state, business, and consumers in the implementation of international standards for sustainable development. The state plays a key role in the implementation of national policy, establishing a legal framework, and protecting the interests of entrepreneurs and consumers. It must also develop environmental policies, defining the conditions for business and creating responsible consumer citizens. This approach helps to achieve a balance between the interests of various parties and ensures the implementation of sustainable development standards.

When developing consumer policies at the regional integration organization level and at the national level, it is important to pay attention to the development of e-commerce as a key form of commerce. Fundamental aspects can be the protection of online payments and personal data, as well as the creation of alternative mechanisms for resolving consumer disputes on online platforms. International standards in electronic commerce, tested in practice by various countries of the world, provide a valuable basis for application in district and national contexts. Their use can contribute to the consistency and effectiveness of the implementation of such policies.

References:

- 1. Spesivov, N.V. Sushchnost' mezhdunarodnykh standartov prav cheloveka / N.V. Spesivov // Uchen. zapiski Orlov. gos. un-ta. -2015. -N 1 (64). -S. 265-267.
- 2. Povestka dnya na XXI vek: prinyata Konferentsiyey OON po okruzhayushchey srede i razvitiyu, Rio-de-Zhaneyro, 3-14 iyunya 1992 g. [Electronic resource] // Organizatsiya Ob"yedinennykh Natsiy. Rezhim dostupa: https://www.un.org/ru/documents/decl_conv/conventions/agenda21.shtml>.
- 3. Expansion of the United Nations guidelines for consumer protection to include sustainable consumption: the Economic and Social Council resolution 1997/7, 16 July 1999 [Electronic resource] // United Nations. Mode of access: https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2020/resolution-1999-7.pdf.
- 4. Preobrazovaniye nashego mira: Povestka dnya v oblasti ustoychivogo razvitiya na period do 2030 goda: dok. OON A/RES/70/1 [Electronic resource] // Sistema ofitsial'noy dokumentatsii OON. Rezhim dostupa: https://undocs.org/ru/A/RES/70/1>.
- 5. Zashchita interesov potrebiteley: dok. OON A/RES/70/186 [Electronic resource] // Sistema ofitsial'noy dokumentatsii OON. Rezhim dostupa: https://undocs.org/ru/A/RES/70/186.
- 6. Trotsuk I.V. Fenomen eticheskogo kons'yumerizma: spetsifika sotsiologicheskoy interpretatsii i osobennosti sovremennogo bytovaniya / I. V. Trotsyuk, Ye. S. Davydenkova // Vestn. RUDN. Ser. «Sotsiologiya». $-2015. \mathbb{N} 2. 0.05$ 1. -0.05 5. 65-81.
- 7. COVID-19 has changed online shopping forever, survey shows: UNCTAD [Electronic resource] // United Nations Conference on Trade and Development. 08.10.2020. Mode of access: https://unctad.org/news/covid-19-has-changed-online-shopping-forever-survey-shows.
- 8. Bur'yanov M. S. Global'nyye tsifrovyye prava cheloveka v kontekste riskov tsifrovizatsii / M. S. Bur'yanov // Vek globalizatsii. 2020. № 3. S. 54-70. s. 61.
- 9. Talapina E.V. Evolyutsiya prav cheloveka v tsifrovuyu epokhu / E.V. Talapina // Tr. In-ta gosudarstva i prava RAN. −2019. − T. 14, № 3. − S. 122-146.
- 10. Consumer Protection in E-commerce: OECD Recommendation. 2016 [Electronic resource] // OECD. Mode of access: https://www.oecd.org/sti/consumer/ECommerce-Recommendation-2016.pdf.
- 11. Vklad zashchity prav potrebiteley v ustoychivoye potrebleniye: dok. OON TD/B/C.I/CPLP/17 [Electronic resource] // Sistema ofitsial'noy dokumentatsii OON. Rezhim dostupa: https://undocs.org/ru/TD/B/C.I/CPLP/17>.
- 12. Deklaratsiya Konferentsii Organizatsii Ob"yedinennykh Natsiy po problemam okruzhayushchey cheloveka sredy: prinyata Konferentsiyey Organizatsii Ob"yedinennykh Natsiy po problemam okruzhayushchey cheloveka sredy, Stokgol'm, 1972 g. [Electronic resource] // Organizatsiya Ob"yedinennykh Natsiy. Rezhim dostupa: https://www.un.org/ru/documents/decl_conv/declarations/declarathenv.shtml.
- 13. Povestka dnya na XXI vek: prinyata Konferentsiyey OON po okruzhayushchey srede i razvitiyu, Rio-de-Zhaneyro, 3–14 iyunya 1992 g. [Electronic resource] // Organizatsiya Ob"yedinennykh Natsiy. Rezhim dostupa: https://www.un.org/ru/documents/decl_conv/conventions/agenda21.shtml>.
- 14. Deklaratsiya tysyacheletiya Organizatsii Ob"yedinennykh Natsiy: prinyata rezolyutsiyey 55/2 General'noy Assamblei ot 8 sent. 2000 g. [Electronic resource] // Organizatsiya

Ob"yedinennykh Natsiy. – Rezhim dostupa: https://www.un.org/ru/documents/ decl_ conv/declarations/summitdecl.shtml>.

15. Yokhannesburgskaya deklaratsiya po ustoychivomu razvitiyu: prinyata na Vsemirnoy vstreche na vysshem urovne po ustoychivomu razvitiyu, Yokhannesburg, Yuzhnaya Afrika, 26 avg. – 4 sent. 2002 g. [Electronic resource] // Organizatsiya Ob"yedinennykh Natsiy. – Rezhim dostupa: https://www.un.org/ru/documents/decl_conv/declarations/decl_wssd. shtml>.

МРНТИ: 10.27.61 10.51889/2959-6181.2024.75.1.007

УДК: 347.44

Телибекова И.М. ¹ ¹ Баишев Университет

НЕКОТОРЫЕ ВОПРОСЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ ДОГОВОРА СТРАХОВАНИЯ В АГРОПРОМЫШЛЕННОМ КОМПЛЕКСЕ РЕСПУБЛИКИ КАЗАХСТАН И СТРАН ЗАРУБЕЖЬЯ

Аннотация

В статье рассмотрены становления и правового регулирования добровольного страхования в агропромышленном комплексе Республики Казахстан и стран зарубежья. Автор подчеркивает, что данный вид страхования представляет собой распространенный в мировой практике базовый инструмент защиты имущественных интересов фермеров-страхователей.

В статье представлена история становления страхования в данной сфере на примере стран Европы, Соединенных Штатов Америки и Канады. Автором прослеживается сходство правового регулирования и особенности сельхозстрахования в Российской Федерации и в Республике Казахстан.

Проведя краткий ретроспективный анализ страхования казахстанскими сельхозпроизводителями в растениеводстве, автор показал недостатки имевшей системы страхования в данной сфере. Кроме того, подчеркнуты достоинства новой схемы страхования в агропромышленном комплексе, введенной казахстанским законодателем с 2020 года.

Автор, считая необходимым освещать информацию о недобросовестных участниках страховых правоотношений, полагает необходимым размещать информацию на платформе, где страхователи выбирают себе страховщиков по новой схеме страхования в агропромышленной сфере.

Ключевые слова: страхование, страховое законодательство, договор страхования, сельхозпроизводители, страхователь, страховщик, имущественные интересы страхователя, агропромышленный комплекс.

И.М. Телібекова ¹ ¹Бәйішев университеті

ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ ЖӘНЕ ШЕТ ЕЛДЕРДЕГІ АГРОӨНЕРКӘСІПТІК КЕШЕНДЕГІ САҚТАНДЫРУ ЩАРТЫН ҚҰҚЫҚТЫҚ РЕТТЕУДІҢ КЕЙБІР МӘСЕЛЕЛЕРІ

Андатпа

Мақалада Қазақстан Республикасының және шет мемлекеттердің агроөнеркәсіп кешеніндегі ерікті сақтандырудың қалыптасуы мен құқықтық реттелуі қарастырылды. Автор