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D.S.Baisymakova^{1*}  , D.Zh.Belkhozhayeva¹ 

¹ Abai Kazakh National Pedagogical University
(e-mail: * baisymakovadana@gmail.com, dinar_15@list.ru)

**CONTEMPORARY CONCEPTS OF LAW ENFORCEMENT IN THE CONTEXT
OF MODERNIZING LABOR RELATIONS THEORY**

Abstract

In the current era of digitalisation, enhancing the efficiency of legal regulation of employment relations and its application in practice is a pressing issue for legal scholarship and practice. This article analyzes modern concepts of legal application in the context of reviving the theory of labor relations. The author examines the essence and functions of the application of law and the main directions for improving the normative and legal framework in the labor sphere. The purpose of the study is to re-evaluate the mechanisms for the legal regulations of labor in the context of globalization, digitalization, remote, and platform work, and to rethink the subject matter and methodological foundations of labor law. The study comprehensively discusses the evolution of labor law, new forms of employment relationships in the digital economy (remote work, hybrid work models, platform work), and the specific features of their legal regulation. It is also based on the need to reconsider alternative dispute resolution mechanisms for labor disputes and the role of law-applying bodies. The article examines integrative, pragmatic, and human-centered approaches as modern concepts of legal application. These approaches are aimed at ensuring social justice in labor relations and increasing the effectiveness of labor law.

Key words: labor law, legal application, theory of labor relations, organization of labor doctrine, labor market, social partnership, digital economy.

Д.С. Байсымакова¹, Д.Ж. Белхожаева¹

¹Абай атындағы Қазақ ұлттық педагогикалық университеті

**ЕҢБЕК ҚАТЫНАСТАРЫ ТЕОРИЯСЫН ЖАҢҒЫРТУ КОНТЕКСТІНДЕГІ ҚҰҚЫҚ
ҚОЛДАНУДЫҢ ЗАМАНАУИ ТҰЖЫРЫМДАМАЛАРЫ**

Аңдатпа

Қазіргі кезеңде еңбек құқығы мен еңбек қатынастарын реттеу саласында құқық қолдану практикасының тиімділігін арттыру өзекті мәселелердің бірі болып отыр. Бұл мақалада еңбек қатынастары теориясын жаңғырту контекстінде құқық қолданудың заманауи тұжырымдамалары талданады. Автор құқық қолдану қызметінің мәнін, функцияларын және еңбек саласындағы нормативтік-құқықтық базаны жетілдірудің негізгі бағыттарын қарастырады. Зерттеудің мақсаты жаһандану, цифрландыру, қашықтан және платформалық жұмыс жағдайында еңбекті құқықтық реттеу тетіктерін жаңаша бағалап, еңбек құқығының пәні мен әдіснамалық негіз-

дерін қайта пайымдау. Зерттеуде еңбек құқығының эволюциясы, цифрлық экономика жағдайындағы еңбек қатынастарының жаңа нысандары (қашықтан жұмыс, гибриді еңбек моделі, платформа еңбегі) және оларды құқықтық тұрғыдан реттеу ерекшеліктері жан-жақты талқыланады. Сондай-ақ еңбек дауларын шешудің баламалы тетіктері мен құқық қолданушы органдардың рөлін қайта қарау қажеттілігіне негізделеді. Мақалада құқық қолданудың заманауи концепциялары ретінде интегративтік, прагматикалық және адамға бағдарланған тәсілдер қарастырылады. Бұл тәсілдер еңбек қатынастарының әлеуметтік әділеттілігін қамтамасыз етуге және еңбек құқығының тиімділігін арттыруға бағытталған.

Түйін сөздер: еңбек құқығы, құқық қолдану, еңбек қатынастары теориясы, еңбек қызметін ұйымдастыру, еңбек доктринасы, еңбек нарығы, әлеуметтік әріптестік, цифрлық экономика.

Д.С.Байсымакова¹, Д.Ж.Белхожаева¹

¹Казахский национальный педагогический университет им. Абая

СОВРЕМЕННЫЕ КОНЦЕПЦИИ ПРАВОПРИМЕНЕНИЯ В КОНТЕКСТЕ МОДЕРНИЗАЦИИ ТЕОРИИ ТРУДОВЫХ ОТНОШЕНИЙ

Аннотация

В современных условиях повышение эффективности правоприменительной практики в сфере трудового и регулирования трудовых отношений является одной из наиболее актуальных проблем. В данной статье в контексте модернизации теории трудовых отношений анализируются современные концепции правоприменения. Автор рассматривает сущность и функции правоприменительной деятельности, а также основные направления совершенствования нормативно-правовой базы в сфере труда.

Цель исследования заключается в новом осмыслении механизмов правового регулирования труда в условиях глобализации, цифровизации, дистанционной и платформенной занятости, а также в переоценке предмет и методологических основ трудового права. В работе всесторонне анализируются эволюция трудового права, новые формы трудовых отношений в условиях цифровой экономики (дистанционная работа, гибридная модель труда, платформенная занятость) и особенности их правового регулирования. Кроме того, обосновывается необходимость пересмотра альтернативных механизмов разрешения трудовых споров и роли органов, осуществляющих правоприменение. В статье рассматриваются такие современные концепции правоприменения, как интегративный, прагматический и человекоориентированный подходы. Указанные подходы направлены на обеспечение социальной справедливости в сфере трудовых отношений и повышение эффективности трудового права.

Ключевые слова: трудовое право, правоприменение, теория трудовых отношений, организация трудовой деятельности, трудовая доктрина, рынок труда, социальное партнёрство, цифровая экономика.

Introduction

The development of the labor relations system is closely linked to socio-economic changes, the expansion of digitalization processes, the establishment of flexible forms of employment in the labor market, and the emergence of new models for organizing labor activities [1]. These processes objectively require a rethinking of the content of labor relations, the modernization of traditional concepts of labor law theory, and the identification of effective mechanisms for implementing labor legislation through legal application practice.

Global digital-technological changes have significantly impacted the labor market, increasing the need to improve stable legal mechanisms for regulating labor relations. Current labor legislation has gaps in regulating digital remote work and platform work conditions, demonstrating its inability to effectively protect the labor-social interests and guarantees of platform workers and employers [2].

Accordingly, the legal regulation of new forms of employment relationships is becoming increasingly important, as current employment relationships encompass employment structures through labor intermediation and digital platforms rather than the traditional model.

The expansion of digitalization and remote work formats intensifies the differentiation of legal regulation of labor relations and requires adapting the legal system in the labor field to new social and technological realities [3]. Accordingly, new forms of self-employment are being introduced into the scope of labor law primarily through case law; however, this mechanism is insufficient for the comprehensive legal regulation of relationships between entrepreneurs and individuals who utilize their own labor. The impossibility of adapting platform work to the traditional, unified model of employment relations [4], such as well as the insufficient practical regulation of the legal status of self-employed individuals and entrepreneurs, highlights the need to develop updated approaches to the legal regulation of employment relations and forms of employment in an expanded sense.

In this regard, the widespread application of the social partnership institution has significantly expanded the scope of new forms of employment relationships. Consequently, a question arises as to which branch of law governs these forms of employment relationships that emerge in the context of digitalization. Because although the concept of social partnership has long been used in a broad sense in normative legal acts, its content is only now being clearly defined at the constitutional level [5]. In this regard, although labor law formally lies outside the traditional boundaries of its subject matter, it is appropriate for the Labor Code of the Republic of Kazakhstan¹ to assume the task of legal regulation of labor relations by enacting the relevant provisions.

Materials and methods

As research material, the labor legislation of the Republic of Kazakhstan (the Labor Code, the constitutional provisions on labor), the Supreme Court's normative resolutions and case law, as well as domestic and foreign scientific literature on the theory of labor relations, were used. In addition, the study examined the application of the law to new forms of employment, such as platform work, remote work, and self-employment.

Results and discussion

Based on the historical context, Roman private and public law evolved as interrelated components of law, adapting to the continuous changes in society and the economy, this experience played a decisive role in the formation of the subsequent European legal tradition and the continental legal system. Within this continuity, labor law has also maintained the principle of adaptability, continuously renewing itself to correspond with labor relations transformed by industrialization and digitalization. Therefore, viewing modern labor law as a dynamic and flexible field requires the systematic renewal of its subject matter, methods, and principles to align with changed labor processes.

Industrialization and the deep division of labor significantly influenced the structure of the legal system, shaping a labor model characterized by a specialized workforce in line with new models of production, where each worker is confined to a specific function in the production chain. These socio-economic transformations have complicated private and public law institutions, extending the scope of legal regulation beyond traditional sectoral boundaries. As a result, independent fields such as criminal and administrative law were separated from public law. The humanization of society and technological advancement has triggered evolutionary and, to some extent, revolutionary processes aimed at renewing the internal structure of law and changing the nature of its branches.

¹ Қазақстан Республикасының 2015 жылғы 23 қарашадағы № 414-V Еңбек Кодексі (2025.16.09. берілген өзгерістер мен толықтырулармен). Сілтеме арқылы қол жетімді: https://online.zakon.kz/Document/?doc_id=348389 (жүзінген күні: 25.11.2025)

The complexity of production and public organizations has led to the emergence of new adaptation mechanisms in the legal system, and in private law this process has been manifested primarily through the autonomization of the institution of liability. Specifically, this type of work activity gives rise to the need to strengthen the strict (objective) liability model which does not require establishing fault for harm caused by high-risk sources and to incorporate it into the legal regulatory framework. In addition, societal changes associated with digitalization, it also highlights the need for further development of remote work platforms in the field of labor law, their recognition as an independent institution in legal practice, and a clear definition of their place within the legal system.

The new organizational models of employment emerging in today's labor market have necessitated special legal regulation of labor relations. This, in turn, strengthened the regulatory convergence of various legal fields and led to a clarification of the new forms of regulation for labor relations. Consequently, it became clear that regulating labor platforms using only traditional labor law methods is insufficient. This is because regulating such relationships outside of traditional sectoral principles risks undermining the internal coherence and harmony of the legal system. Therefore, in order to effectively and systematically regulate the social relations based on the division of labor and collective labor processes defined by the employer, modern labor law has emerged as an independent branch of law of a mixed private-public nature, thus, legal regulation has become an adapted model that takes into account the complexity of labor relations and the interests of its various subjects [6; 7].

Among the new fields of law, labor law was one of the first to be complex and synthetic in nature, inherently combining elements of public and private law. However, in the initial stage, although the content of the aforementioned relations was classified as public (administrative) law, the “Industrial Labor Code” The adoption of the Charter² on Industrial Labor demonstrated that their private legal characteristics had also been established. Subsequently, in line with the demands of the times, labor law developed as an integral part of civil law, and labor relations came to be regulated through employment contracts. Although this contract was initially considered a typical civil transaction, the social nature of the labor process and the worker’s special legal status compelled its recognition as an independent legal institution. Thus, labor law, which originated an civil law, became an independent branch of law, distinguished by its own principles and methods of regulation [8].

The origins of labor law as an independent field date back to the 1918 RSFSR Labor Code and the 1922 labor legislation. The importance of regulating labor relations led to systematic improvements in legislation, and as a result of the 1948 codification, N.G. Aleksandrov scientifically substantiated labor law as an independent branch of law [9]. The employment relationship is founded on the employment contract, which ensures employees' obedience to employers, and in this process, methods of state administration are combined with private law instruments.

Thus, the complexity of regulating labor relations remains relevant today, and digitalization cannot alter the conceptual essence of their legal regulation. Although in foreign labor law employment relationships are not considered an independent legal subject, it has been determined that they are specifically regulated through the employment contract. Therefore, doctrinal analysis is aimed at improving the legal mechanisms for regulating employment relationships solely on the basis of an employment contract. Thus, legal analysis is primarily directed at the legal mechanisms of the employment contract. From a scientific standpoint, the theoretical study of the legal nature of employment relationships has shown that analysis of the legal role of the employment contract is not sufficient and has highlighted the need to interpret employment relationships as a stable yet evolving legal system [10]. In studies in this area, while the employment contract is viewed as a relatively stable, static legal model, labor relations are dynamic, influenced by the socio-economic context and

² *Свод законов Российской империи. Том одиннадцатый. Часть II. Уставы кредитный, торговый, о промышленности фабричной и заводской, и устав ремесленный. Сілтеме арқылы қол жетімді: <https://runivers.ru/upload/iblock/c1> (жүгінген күн: 28.11.2025)*

the practice of law application, a dynamic, complex secondary legal system, which allows for the theoretical integrity of the subject of labor law to be ensured.

Over the past several decades, systematic research has been conducted in labor law scholarship to analyze the theoretical foundations of labor relations, among which foundational monographic works hold a special place [11]. At the turn of the century, the continuation of these scientific inquiries clearly demonstrated that the theory of labor relations is of great importance not only from a doctrinal standpoint but also for the practice of law application [12]. In the works of researchers, labor relations are characterized by their internal unity in terms of their legal nature and content, it is argued that unified employment relations constitute an independent type of normative rules play a leading role as the primary tool of legal regulation.

According to scholars' scientific viewpoints, the concept of regulating labor relations based on contractual regulation has emerged as an effective model, and its principles remain theoretically relevant even today [13].

Labor relations are not limited solely to employment contracts (they can also arise from election acts, artel organizations, etc.) [14]. Despite the fact that employment relations may arise through other organizational-legal forms, the theory of a single and indivisible employment relationship has long been maintained as a dominant dogmatic proposition in labor law scholarship. Alternative, theoretical approaches aimed at substantiating the complex of independent employment relationships did not gain wide support in the scientific community and remained marginal. Although the Employment Code of the Republic of Kazakhstan (Article 21) establishes that employment relationships arise through various legal grounds, the main principles of the unified theory have not lost their significance, which also contributed to the formation of separate structural chapters regulating individual types of employment activities.

The conceptual positions [15] on the need for special procedural mechanisms to implement the material norms of labor law, as formulated by V.N. Skobelkin, were further developed in Kazakhstani labor law doctrine. In particular, in J.A. Khamsina's works, the legal regulation of labor relations is not limited to the system of material norms but is viewed as an organic whole with the procedural and legal-application mechanisms that ensure their implementation and protection [16]. The scholar notes that the effective protection of the rights and legitimate interests of labor subjects requires the strengthening of procedural elements within the internal structure of labor law, he assesses this process as a legitimate stage in the evolutionary development of the labor law system. In this regard, the interconnection of the substantive and procedural foundations of labor law allows it to be characterized as a unified, multi-level legal system, which is V.N. Skobelkin proposed attests to the continuity of the theoretical principles in the contemporary Kazakh legal reality.

N.G. Alexandrov and V.N. Skobelkin studied labor-legal relations within various theoretical and methodological paradigms: N.G. Alexandrov, having constructed an abstract-dogmatic model, regarded the deviations arising from it as empirical data confirming the viability of the conceptual model, V.N. Skobelkin, in his theoretical framework, treated general rules and individual specifics on an equal footing, prioritizing the concrete mechanisms for the implementation of legal norms. According to these distinctions, while the first is primarily concerned with normative constructs, the second is directed at analyzing the implementation process of labor relations, including their procedural and administrative aspects. As a result, these theories are classified as static and dynamic models, respectively.

Today, there is no objectively discernible practical need to further strengthen the theory of integrated and invisible labor-legal relations. However, while labor law remains an independent discipline, it interacts with other areas of law and further clarifies the legal nature of other relationships that fall within the scope of labor relations [9]. Although fundamental theoretical debates regarding the autonomy of the field are not significantly observed in contemporary labor law scholarship. There is no doubt that it continues to function as an independent branch of law, combining elements of private and public law, with its own subject matter and methods of legal regulation. This situation is primarily explained by the persistence of phenomenon of dependent

labor, as it is this phenomenon that ensures the social and legal relevance of labor law norms. In our opinion, the loss of legal significance of dependent labor would only be possible as a result of a fundamental transformation of the technological structure, that is, due to the change in production relations and the organization of society; In such a situation, the traditional regulatory function of labor law norms would also objectively be eliminated.

In this context, supplementing N.G. Alexandrov's theory of unified labor-legal relations with V.N. Skobelkin's procedural-process doctrine is scientifically justified [17]. In particular, given that the number of labor contracts is no less than that civil-law contracts, it is appropriate to focus the analysis not on their characteristics but on their distinct types: the classic industrial employment contract, the employment contract in professional sports, the seasonal employment contract, as well as executive and platform contracts coexist and are of equal significance in legal circulation. On this principle, the Alexandrov-Skobelkin theory can be developed as an independent and dynamic legal system that presents the diversity of unified labor-law relationships as an open list. This approach not only covers non-contractual grounds – such as mandatory labor discipline – but also does not limit the process of deriving specific legal ties from the unified relationship solely to its transformation into a civil-law relationship, as is often the case in the Republic of Kazakhstan Labor Code [6] supplements this with the possibility of transitioning to a broadly regulated employment contract.

The demands of today require extensive theoretical and practical research into the new nature of labor relations. This is particularly aimed at examining new forms of employment namely platform work, self-employment, and worker dependence on employers that have emerged and become deeply integrated into society as a result of digitalization. Current labor law was primarily established as legal regulatory framework for the labor of worker collectives in industrial enterprises, offering effective mechanisms for protecting the weaker party in a context of relative stability [19]. Accordingly, the provisions of labor legislation should be aimed at broadly regulating new forms of employment. This, in particular, requires clarifying the legal mechanisms for protecting the labor of platform workers, ensuring their social insurance coverage, and applying the social partnership institution in regulating labor relations. Furthermore, it is important to establish the labor-social guarantees for the subjects of these employment relationships. For example, the 2021 European Social Rights Action Plan and the directive on improving conditions for platform work³ aims to legally recognize the employment relationships that have emerged as a result of digital transformation and to ensure their social guarantees. These documents clearly define the criteria for workers status and introduce new mechanisms to ensure the legal protection of platform workers.

Conclusion

Based on the results of the study of the evolution of modern labor relations and their theoretical foundations, the following important conclusions can be drawn. First, combining, N.G. Alexandrov's theory of unified labor relations and V.N. Skobelkin's procedural doctrine, it can be said that the subject of labor law is not limited to the sphere of classical industrial labor relations. The subject of labor law can be expanded by including new and potential forms of labor relations. Skobelkin's procedural doctrine, it can be said that the subject of labor law is not limited to the sphere of classical industrial labor relations. The subject of labor law can be expanded to include new and potential forms of employment, such as platform work, self-employment, and work dependent on a single employer. The fundamental characteristics of labor legal relations – the phenomenon of dependent labor – maintains the relevance of industry-specific norms and provides an integrative, autonomous, and dynamic mechanism for legal regulation.

³ Proposal for a Directive of the European parliament and of the council on improving working conditions in platform work. Сілтеме арқылы қол жетімді: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021PC0762> (жүзінген күні: 06.12.2025)

Secondly, as research has shown, labor law institutions must extend to new forms of employment without losing their essence, while at the same time acting as a legal “donor” for other areas of law. Therefore, labor safety and protection, as well as the social insurance mechanisms for entities, must be legally guaranteed. To strengthen the social partnership institution in protecting platform labor relations participants, the provisions of labor legislation need to be further refined. This approach will ensure the adaptation of labor law in Kazakhstan from an industrial model to the conditions of digital transformation.

Thirdly, the case concerning European social rights -relying on the Action Plan on European Social Rights and the Directive on improving platform working conditions, it is important to legally recognize the new nature of employment relationships in international practice and to ensure their social guarantees. These documents constitute an important methodological basis for standardizing the legal regulation of new forms of employment and protecting the status of workers.

In conclusion, it should be noted that revising the existing doctrine of labor law and the theory of labor legal relations, expanding the scope of application of this discipline, and creating a legal framework for regulating new forms of employment remain relevant issues for both science and practice. This approach allows for a comprehensive understanding of labor relations, the effective implementation of the social function of legal norms, and the preservation of the stability of labor law in Kazakhstan, while maintaining the autonomy and relevance of discipline.

Authors' contributions

Baisymakova D.S. - He made a significant contribution to the development of the research concept, the analysis of issues concerning the renewal of labour law theory, and the systematisation of the theoretical foundations of legal practice.

Belkhozhayeva D.Zh. - Contributed to the development of the article's scholarly apparatus (literature review, methodological basis), the editing of the text, and the formatting of the research results, and helped to formulate the concluding recommendations.

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K.U. Umarova^{1*} , A.B. Gulimov¹ 

¹ *Karakalpak State University named after Berdakh*
(e-mail: *Karligash1255@mail.ru, Gamanlik75@mail.ru)

ENVIRONMENTAL HEALTH LAW IN POST-SOVIET CENTRAL ASIA: LESSONS FROM THE ARAL SEA CRISIS FOR INTERNATIONAL PATIENT RIGHTS PROTECTION

Abstract

The Aral Sea environmental catastrophe has created one of the world's most severe public health crises, affecting approximately 35 million people across Central Asia. Yet despite extensive documentation of the health consequences – elevated rates of respiratory diseases, cancers, anemia, and infant mortality – scholarly attention to the legal frameworks governing healthcare delivery and patient rights protection in disaster-affected communities remains limited. This article examines the legal regulation of patient rights in environmental disaster zones, using the Aral Sea region as a case study. It assesses the extent to which Uzbekistan's healthcare legislation complies with international standards established by the International Covenant on Economic, Social and Cultural Rights, General Comment No. 14's AAAQ framework (availability, accessibility, acceptability, and quality), the WHO Patient Safety Rights Charter, and the European Charter of Patients' Rights.

The analysis reveals significant gaps between international standards and domestic implementation. Uzbekistan's healthcare regulatory framework suffers from extraordinary fragmentation, with 76 laws and over 400 bylaws creating legal uncertainty. Civil law regulation of medical services remains inadequate, and the virtual absence of publicly accessible judicial practice in medical disputes indicates a profound failure of accountability mechanisms.

The article concludes with recommendations for legislative codification, institutional reform, and targeted interventions for the Aral Sea region, offering broader lessons for international health law in addressing environmental health emergencies worldwide.

Key words: Right to health, Patient rights, Environmental health, Aral Sea, Healthcare legislation.