

SHAKIROVA ALTYNAY BORANKULKYZY

Human Rights in the Educational Environment: Issues of Theory and Practice

ABSTRACT
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Relevance of the Topic. Education is a key component of the positive and sustainable economic development of the country, of national security, as well as of the sociocultural evolution of society, and is one of the main factors in the growth of the population’s well-being. The organization and provision of the educational process is one of the main functions of the state, and for the implementation of state educational policy, as well as the effective realization of private and public interests in the field of education, it is necessary to consider human rights as the legal foundation.

Education and human rights are closely intertwined in a symbiotic relationship, as part of the legal culture of modern society developing under the conditions of globalization. This factor creates an urgent need to preserve the educational values of contemporary Kazakhstani society. The regulation of education is one of the key responsibilities of every state, as it directly influences the country’s economic well-being and the development of society’s legal culture. The legal regulation of the educational process must be carried out through a set of normative legal acts that define the rights and obligations of all participants in this process. This system of legal support is aimed at guaranteeing the rights of all subjects within the educational environment, first and foremost the rights of students and pupils.

It is currently of utmost importance to develop legal mechanisms that will make education a catalyst for socio-economic progress. Human rights in the educational process should contribute to the formation of society’s innovative potential and successful economic growth. At the same time, it is necessary to strengthen legal guarantees of freedom and equal access to education for all, as well as to ensure the fullest possible satisfaction of individual educational needs. Through legal analysis of contemporary issues in the field of education, we come to the conclusion that there is a need for in-depth scientific research on human rights in the educational environment, as well as the development of effective mechanisms for their legal consolidation, implementation, and protection.

The study of international experience in the formation of legal guarantees in the field of education shows that the establishment and implementation of relevant legal norms in legislation is the primary means of protecting the rights, freedoms, and legitimate interests of individuals.

The comparative legal analysis of the normative legal provisions regulating the right to education and its implementation in the countries of Europe, Asia, and

America, carried out in the dissertation research, allowed for the identification of effective mechanisms for legal regulation in this field. The results obtained form the basis for improving the educational legislation of the Republic of Kazakhstan through the adaptation of progressive approaches used in foreign legal systems. This synthesis of international experience and national peculiarities contributes to strengthening the guarantees of accessibility and quality of education in accordance with modern human rights standards.

Based on the analysis of domestic scientific sources and regulatory legal acts, it is necessary to state that insufficient attention is paid in Kazakhstani legal science to issues of legal protection of human rights and freedoms in the field of education. At the present stage, a theoretical and legal study of educational relations from the perspective of human rights protection in the educational environment is highly relevant.

The scientific value and relevance of the study are determined by the fact that, for the first time, the main results of a comprehensive analysis of human rights in the educational environment of Kazakhstan are systematized, taking into account the specifics of the current legislation of the Republic.

The aim of the study is to analyze and generalize the theoretical and practical aspects of ensuring human rights in the field of education in the Republic of Kazakhstan and the modern world. The study includes examining the content of human rights in the educational environment in the country's legislation and determining the legal status of the subjects acting within this environment, as well as legislative improvement of the mechanism for ensuring human rights. The goal of the research is to develop recommendations aimed at improving national legislation regulating human rights in education in the Republic of Kazakhstan, in accordance with international standards.

Research tasks. In accordance with the aim of the research, the following tasks have been defined:

1. To reveal the content of the legal nature and legal understanding of human rights in the educational environment;

2. To justify the introduction of the legal category "Educational Environment" into the legislation;

3. To identify the main subjects of the educational environment for the legal regulation of mutual rights and obligations based on their legal status;

4. To develop recommendations and proposals for improving legal regulation in the field of education and ensuring the legal status of educators;

5. To conduct a comparative legal analysis of legal norms regulating human rights in the field of education, with the aim of improving the "right to appeal" in Kazakhstani educational law;

6. To analyze international legal norms and national legislation regarding human rights to personal dignity, protection from discrimination and humiliation in the field of education, and to develop proposals for improving the category of "bullying" in domestic legislation;

To develop scientific and theoretical foundations for the Republic of Kazakhstan's Education Code by consolidating legal norms in the field of education

and human rights.

Object of the study: Legal relations arising in the field of legal regulation for ensuring human rights and freedoms in the educational environment of the Republic of Kazakhstan, taking into account current global trends. International and national legal acts aimed at ensuring human rights in the field of education, as well as the procedure for their implementation in the Republic of Kazakhstan.

Methods of the study: The methodological basis of the work is determined by the methods of general scientific and special scientific (specialized) cognition.

One of the main methods is the method of materialist dialectics, which allowed for a deeper analysis of the emergence, formation, and development of the education system in the Republic of Kazakhstan, the impact of socio-economic changes in society on these processes; to study the trends in the further development of the country's education sector, as well as to propose ways of optimizing its development.

During the study, general scientific methods of cognition were used, including logical and historical approaches, as well as structural-functional methods. Specific legal methods applied in the study included the formal-legal method in interpreting Kazakhstani legislation and the comparative legal method in examining national and international education legislation.

In examining the theoretical and practical issues of protecting, implementing, and ensuring human rights in the educational environment, the study utilized scientific dialectical methods: legal hermeneutics, axiology, gnoseology, and ontology; general scientific methods such as analysis, synthesis, comparison, and forecasting, as well as specific methods of legal research. Based on legal conclusions, views, and ideas of individual scholars, through analysis and generalization, the study of contemporary issues related to the disclosure of individual rights in the field of education considers various opinions and positions. The research is based on a dialectical approach that reflects the variability and dynamic development of legal norms and social relations. The metaphysical foundation is composed of legal norms, legal principles, and legal values, which serve as the foundation for legal regulation. The rights and obligations considered in the study are explored in inseparable connection with the existing social relations, legal principles, and legal regulation of public relations, reflecting the current level of regulation of the educational process by legal norms. Through the study of legal institutions within the national legal system, based on the comparative legal method, the value of private rights in the field of education is revealed as one of the institutions of private law. The study examines the close interrelationship of rights and obligations as interdependent elements that give rise to the dichotomy of each legal relationship. The use of the comparative legal method allows for the study of the positive experience of normative-legal regulation of human rights in the educational environment of different states and the generalization of mechanisms for its implementation.

Main provisions to be defended. The following key results of the dissertation research are presented for defense:

1. The proposed definition of the priority of human rights in the educational environment integrates three key elements — rights, obligations, and legitimate interests — which distinguishes it from traditional approaches focused primarily on

rights. This systemic view emphasizes the interconnection between the protection of rights and the responsibility of subjects (the state, educational institutions, educators), as well as the protection of legitimate interests (e.g., access to quality education). Human rights in the educational environment should become the foundation for improving the legal status of all subjects of the educational process. The provision and effective implementation of human rights must be regarded as a fundamental principle in the regulation of public relations in the educational environment. The rights, obligations, and legitimate interests of all subjects in the field of education should be considered through the lens of individual rights. The implementation of all legislative and derivative acts in the educational environment should be assessed for compliance with human rights enshrined in the Constitution of the Republic of Kazakhstan and international standards recognized by our country. For the first time, the place, role, and significance of human rights in the educational environment are analyzed; in modern conditions, the effective functioning of the education system is impossible without the use of the potential of human rights. The new result of the legal study is the formulated definition of the priority of human rights in the educational environment: “Human rights in the educational environment are a system of rights, obligations, and legitimate interests, which determine the legal influence on public relations in the field of education and define the limits of social impact on the subjects of the educational environment.”

2. The rights and freedoms of individuals and citizens enshrined in the Constitution of Kazakhstan form the basis for the legal concept of the “educational environment.” From a legal perspective, there is an urgent need to introduce the legal concept of “educational environment” into domestic legislation. This is due to the increasing relevance and significance of the legal provision of human rights in the field of education. The concept of the “educational environment” includes the entire complex of constitutional, civil law, administrative law, labor law, family law, and other legal relations, where the subject of legal regulation is the process of providing educational services. The concept of the “educational environment” aims to systematize public relations in the field of education in order to create the legal conditions for the interaction of all subjects of the educational process. Based on this, the author proposes a legal definition of the concept of the “educational environment,” to be enshrined in Article 1 of the Law of the Republic of Kazakhstan “On Education” of July 27, 2007, No. 319: “The educational environment is a systemic combination of rights, freedoms, and legitimate interests of individuals and citizens, as well as subjects of educational legal relations, which are realized in the process of educational and pedagogical activities.”

3. Based on the author’s approach and functional purpose, a systematization of the subjects of the educational environment has been carried out. Four main groups of subjects of legal relations in the field of education are defined: 1) students and pupils (minors, adults, including individuals with special educational needs); 2) parents and legal representatives; 3) teachers and educators; 4) administrative and managerial staff. It is proposed to divide them into four main groups and an additional group of participants depending on their legal status in the educational environment. Based on this classification, it is suggested to approach the legal regulation in the educational

environment from a new theoretical perspective: to regulate legal relations in the educational environment between these groups and enshrine their mutual rights and obligations in the legislation regulating the educational process.

4. In order to improve the legal status and the fullest realization of the rights of individuals — specifically pedagogical workers as one of the subjects of the educational environment — the author of the dissertation proposes the need to clarify the specific mechanisms for the implementation of social benefits provided by Article 12 of the current Law of the Republic of Kazakhstan “On the Status of the Pedagogue” dated December 27, 2019, No. 293-VI. To ensure the rights of educators, the following revisions are proposed:

1) Paragraph 6 of Article 12 should be revised as follows: “A pedagogue who has arrived in rural settlements to engage in professional activities and residence, after the rental housing period expires, shall, by decision of local representative bodies, be allocated a relocation allowance and social support for the purchase or construction of housing in an amount equal to the total construction cost, financed from the local budget.”

2) Paragraph 7 of Article 12 should be revised as follows: “Local executive bodies are obligated to establish full or partial compensation payments for the rental (lease) of housing and compensation payments for utilities, as well as the purchase of a voucher for sanatorium-resort treatment and recreation, and may also provide other benefits aimed at social support for the pedagogue.”

Accordingly, the conditions for the health improvement, sanatorium-resort treatment, and recreation for pedagogical workers provided in subparagraph 6) of paragraph 2 of Article 157 of the Labor Code of the Republic of Kazakhstan, adopted on November 23, 2015, should be included in the collective agreement and transferred to paragraph 1 of Article 157 of the Labor Code as a mandatory provision of the collective agreement in educational organizations.

5. A comparative legal analysis of foreign legislation and international legal acts has shown that one of the fundamental human rights is the right to complain and file petitions. The submission of complaints and petitions by the subjects of the educational environment is the primary legal means of defending their rights and legitimate interests. The rights, obligations, and responsibilities of students and pupils, enshrined in paragraph 3 of Article 47 of the current “Education Law,” are proposed to be supplemented with subparagraph 13 as follows: “the right to appeal decisions of the subjects of educational activity in cases of violations of their rights and legitimate interests”; it is also proposed to add subparagraph 7) of part 1 of Article 49 of the “Education Law”: “the right to appeal decisions of the subjects of educational activity.” These amendments aim to enhance the procedural capabilities of education subjects in the framework of human rights protection activities.

6. Human rights guarantee the right to personal dignity, protection from discrimination and humiliation. In modern conditions, this right is violated in the form of bullying (bullying, cyberbullying). Based on an analysis of legislation, the author proposes to consolidate this legal concept. Instead of the term “bullying” of children, paragraph 4-2 of Article 1 of the “Education Law” should be revised as follows: “Bullying is the actions of individuals, participants in the educational and

pedagogical process, and other subjects of the educational environment, carried out systematically (two or more times), consisting of the humiliation of personal dignity, harassment, and/or intimidation, including actions aimed at coercing someone to perform or refrain from performing any action, as well as such actions performed publicly or with the use of mass media and/or telecommunication networks and/or online platforms (cyberbullying).”

7. Based on the results of the scientific research and the author’s classification of all subjects of the educational environment into four main categories and other subjects of the educational environment, it is proposed to use this classification as the basis for the formation of the Education Code of the Republic of Kazakhstan. It seems important, based on the proposed classification, to establish both the General and Special Parts in this code. The General Part should regulate the basic provisions that govern the educational environment. The Special Part should regulate the relationships between the main groups of subjects in the educational environment, as well as address issues of material provision for the educational and upbringing process. In connection with the regulation of similar social relations and a new approach to defining the legal status of subjects in the educational environment, it is proposed to develop the “Education Code” through the consolidation of the provisions of the Law of the Republic of Kazakhstan “On Education” of July 27, 2007, No. 319-III, and the Law of the Republic of Kazakhstan “On the Status of a Teacher” of December 27, 2019, No. 293-VI ZRK, along with other legislative acts, as well as derivative legal acts regulating legal educational relations, which can be identified from all legal relations in educational law.

Description of the main research results.

1. An author’s definition of the term “human rights in the educational environment” has been developed, interpreted as a set of rights, obligations, and legitimate interests that form the legal foundations for regulating public interactions in education and establish the boundaries of permissible social impact on participants in the educational process.

2. A scientifically substantiated legal definition of the term “educational environment” has been proposed, with the suggestion to include it in Article 1 of the Law of the Republic of Kazakhstan “On Education” (dated July 27, 2007, No. 319). The author defines the educational environment as a comprehensive system of legal conditions that ensures the realization of the rights, freedoms, and legitimate interests of individuals, citizens, and participants in educational relationships within the framework of educational and pedagogical activities.

3. Based on the author’s concept, a systematization of the subjects of the educational environment has been proposed, taking into account their functional role. The research identified four key groups of subjects included in the system of educational legal relations. It is proposed to use these key groups for legal regulation between the subjects of the educational environment to ensure the effective implementation of human rights.

4. In order to improve the legal status of pedagogical workers and ensure the fullest realization of their rights as subjects of the educational environment, the author substantiates the need for the specification of the mechanisms for

implementing social benefits provided by Article 12 of the Law of the Republic of Kazakhstan “On the Status of a Teacher” dated December 27, 2019, No. 293-VI.

5.A comparative analysis of foreign regulatory legal acts and international legislation has shown that the right to file complaints and appeals is recognized as one of the fundamental human rights. This mechanism serves as a crucial legal tool for protecting the rights and interests of participants in the educational process, which requires further clarification in Kazakhstani education legislation.

6.Human rights guarantee every individual the inviolability of personal dignity and protection from discrimination and degrading treatment. However, in modern realities, this right is systematically violated, particularly in the form of bullying (including cyberbullying). Based on the legal analysis, the author substantiates the need to standardize the legal definition of this phenomenon.

7.Based on the conducted research, a classification of all participants in the educational environment into four main categories has been proposed, along with the identification of another group of subjects. This classification is recommended as a basis for the development of the Education Code of the Republic of Kazakhstan. This approach will allow for the systematization of legal norms, making educational law a distinct and structured branch of legislation.

Justification of the Novelty and Importance of the Results Obtained

The scientific novelty of the dissertation research is due to the objectives and tasks set. The dissertation is one of the first comprehensive general theoretical studies on the role and significance of human rights in the educational environment of the Republic of Kazakhstan.

1.During the research, a systemic analysis was conducted based on a comprehensive approach to the legal foundations of protecting and ensuring human rights in the field of education. For the first time, a scientifically substantiated definition of “Human Rights in the Educational Environment” was developed, which is considered not only as a set of rights but also as a system of duties and legitimate interests that form the legal basis for regulation in the educational environment. The introduction of the principle of the priority of human rights in education legislation will strengthen the legal guarantees for the implementation of personal rights in the educational and pedagogical process.

2.A new legal definition of the “educational environment” was proposed, interpreted as a comprehensive system of legal conditions ensuring the realization of the rights and freedoms of participants in educational relations. This definition is recommended for inclusion in national legislation for the first time. No previous proposals were made in national legal science regarding the inclusion of the term “educational environment” in legal terminology. This legal category will allow for the generalization of all subjects and social relations in the educational environment from the standpoint of legal regulation, which will more effectively protect and defend human rights, as well as the subjective rights and legitimate interests of all participants in educational relations.

3.A concept for the structuring of educational law was developed, which can serve as a basis for creating an Education Code, thus facilitating the systematization of norms and highlighting educational law as an independent branch of legislation.

For the first time, it is proposed to structure legal relations in the field of education based on the functional roles of the main groups of subjects of educational law. This will allow for the formation of legal relations by establishing mutual rights and duties of these subjects and ensuring their rights and legitimate interests.

4. The need for the clarification of mechanisms for the realization of social benefits for teachers (Article 12 of the Law of the Republic of Kazakhstan “On the Status of the Teacher”) was justified. This will eliminate gaps in the legislation and resolve issues in the implementation of rights and legitimate interests. New guarantees for teachers’ rights are proposed to be introduced into legislation, which is important for more fully realizing the right to socio-economic support and increasing the protection of labor and social rights of teachers.

5. A comparative legal analysis of foreign and international legislation was conducted, confirming that the right to petition and complaints is a key mechanism for protecting human rights in education. The problems of the legal consolidation and implementation of legal norms regarding the right to file petitions and complaints in education were identified. The incorporation of these provisions into legislation will enable the fuller realization of the rights and legitimate interests of all subjects in the educational environment.

6. New approaches are presented in the dissertation regarding the protection of the right to personal inviolability and dignity. New approaches to defining bullying (bullying, cyberbullying) in Kazakhstani legislation are proposed. The importance of this provision is due to the need to protect and ensure the inviolability of the individual and their dignity as a fundamental human right, which should be considered as a priority in education and upbringing.

7. For the first time in scientific research in the field of law, proposals are substantiated for the development of the Education Code of the Republic of Kazakhstan based on the division of all participants in the educational process into organizational-legal groups of subjects. The systematization proposed in the research, through the identification of their legal interests and legal status, should serve as the foundation for developing this new consolidation act in the field of education. The importance of this provision lies in the consolidation of a large number of significant legal norms in the educational environment and the legal norms related to human rights. This is necessary in order to form legislation that is more accessible to all subjects of educational relations.

Testing of the obtained results.

The theoretical and scientific-practical results of the dissertation research were presented and tested at scientific conferences and seminars: □ International scientific and practical conference “S.Z. Zimanov – scientist, educator, public and state figure” (Karaganda, 2021); International scientific and practical conference dedicated to the 30th anniversary of the Independence of the Republic of Kazakhstan “Legal perspectives on improving the system of the Republic of Kazakhstan” (Karaganda, 2021); International scientific and practical conference dedicated to the memory of the academician of the National Academy of Sciences of the Republic of Kazakhstan, Doctor of Law, Professor, and first Chairman of the Constitutional Court of the Republic of Kazakhstan, Murat Tadzhi-Muratovich Baymakhanov “Formation of the

rule of law and civil society in the new Kazakhstan: theory, practice and prospects for development” (Almaty, 2023); International scientific and practical conference “Current research and development” (Sofia, 2025); Scientific seminar of the Department of Theory and History of State and Law, Faculty of Law, Karaganda University named after E.A. Buketov (Karaganda, 2025).

Compliance with the directions of scientific development or state programs.

The dissertation work is carried out in accordance with the main directions of the development of law, approved within the framework of the Concept of Legal Policy of the Republic of Kazakhstan until 2030, the Strategy “Kazakhstan-2050”, the National Development Plan of the Republic of Kazakhstan until 2029, the Concept of Digital Transformation, Development of the Information and Communication Technology and Cybersecurity Industry for 2023-2029, the Concept of Artificial Intelligence Development for 2024-2029, the Concept of Development of Preschool, Secondary, Technical and Vocational Education in the Republic of Kazakhstan for 2023-2029, the Concept of Development of Higher Education and Science in the Republic of Kazakhstan for 2023-2029, as well as within the framework of the National Kurultai of 2025 (it is proposed to create an electronic catalog of branches of foreign universities in Kazakhstan to expand access to international educational programs).

Description of the doctoral student’s contribution to the preparation of each publication.

The results of the dissertation research were reflected in 11 publications by the author. On the topic of the research, 1 article was published in a peer-reviewed scientific journal, specifically in the journal “Revista pedagogia universitaria y didactica del derecho,” which is indexed in Scopus with a percentile of 56; 3 articles published in journals recommended by the Committee for Quality Control and Standards of the Ministry of Education and Science of the Republic of Kazakhstan; 7 articles in the materials of international scientific-practical conferences. The doctoral student has carried out empirical and theoretical research in accordance with the goals and objectives of the dissertation research. The analysis of the results obtained and the conclusions of the work as a whole were performed jointly with the scientific advisors.

Structure of the dissertation. The dissertation consists of an introduction, three chapters, a conclusion, a list of sources used, and appendices, which reflect the documents and materials of the research. The total volume of the dissertation is 154 pages, including tables and figures.