

Balancing freedom and control: Contemporary legal regulation of religious activity in Kazakhstan

Yermek Buribayev*

Doctor of Law, Professor

Zhetysu University named after I. Zhansugurov

040009, 187A Zhansugurov Str., Taldykorgan, Republic of Kazakhstan

<https://orcid.org/0000-0003-0433-596X>

Kuralay Turlykhankyzy

PhD in Law, Professor

Abai Kazakh National Pedagogical University

050010, 13 Dostyk Ave., Almaty, Republic of Kazakhstan

<https://orcid.org/0000-0003-1075-6891>

Nessibeli Kalkayeva

PhD in Law, Associate Professor

Abai Kazakh National Pedagogical University

050010, 13 Dostyk Ave., Almaty, Republic of Kazakhstan

<https://orcid.org/0000-0001-8109-2004>

Zhanna Khamzina

Doctor of Law, Professor

Abai Kazakh National Pedagogical University

050010, 13 Dostyk Ave., Almaty, Republic of Kazakhstan

<https://orcid.org/0000-0003-0913-2002>

Abstract. The regulation of religious activity in contemporary Kazakhstan is a critical issue shaped by the interplay between ensuring freedom of religion and maintaining state control. This study aimed to analyse the legal frameworks governing religious activity in Kazakhstan, with a particular focus on their alignment with international human rights standards and domestic socio-political dynamics. Employing legal analysis, comparative methods, and case studies, the research examined the country's legislation and its practical implications for religious communities. The study revealed that Kazakhstan's legal framework imposes significant restrictions on religious freedoms, including mandatory registration of religious associations, limitations on public worship, and broad state oversight. These measures often disproportionately affect minority religious groups, raising concerns about discrimination and barriers to religious pluralism. Despite Kazakhstan's constitutional guarantees of religious freedom, the implementation of laws frequently conflicts with the country's international obligations under treaties such as the International Covenant on Civil and Political Rights and the Organisation for Security and Co-operation in Europe commitments. Case studies of religious communities, including Jehovah's Witnesses, the Ahmadiyya Muslim community, and the Baptist Church, further illustrated the practical challenges posed by existing regulations. These cases highlighted issues such as administrative overreach, discriminatory registration processes, and the marginalisation of non-traditional religious groups. The findings emphasised the need for legislative reforms to address ambiguities, harmonise national laws with international standards, and foster a more inclusive environment for religious communities. This research contributes to the broader discourse on religious regulation, offering practical insights for policymakers, legal practitioners, and human rights advocates. By addressing the tension between governance and religious freedom, the study provides a foundation for future reforms aimed at balancing societal stability and the protection of fundamental rights

Keywords: religious policy; legal regulation; freedom of religion; law enforcement practices; religious associations; legislative reforms

Suggested Citation

Article's History: Received: 11.03.2025 Revised: 01.06.2025 Accepted: 25.06.2025

Buribayev, Ye., Turlykhankyzy, K., Kalkayeva, N., & Khamzina, Zh. (2025). Balancing freedom and control: Contemporary legal regulation of religious activity in Kazakhstan. *Social & Legal Studios*, 8(2), 23-38. doi: 10.32518/sals2.2025.23.

*Corresponding author



Introduction

The regulation of religious activity in Kazakhstan presents a pressing issue at the intersection of governance, human rights, and social stability. As a secular state with a diverse religious composition, Kazakhstan navigates the challenge of safeguarding freedom of conscience and religion while addressing concerns of security, extremism, and public order. This issue is particularly significant in the contemporary context, as Kazakhstan continues its post-Soviet transformation and aligns its policies with international human rights standards. The study of religious regulation in Kazakhstan is vital for several reasons. First, it reflects broader global trends in managing religious diversity and balancing state interests with individual freedoms. Second, it addresses a critical aspect of Kazakhstan's socio-political development, offering insights into the interplay between governance, cultural heritage, and modernity. Lastly, it provides an opportunity to evaluate the effectiveness of legal and institutional mechanisms in promoting societal cohesion while respecting religious freedoms.

Constitution of the Republic of Kazakhstan (1995) guarantees freedom of religion under Article 22, emphasising the importance of this right for societal cohesion. The Law of the Republic of Kazakhstan No. 483-IV "On Religious Activities and Religious Associations" (2011) serves as a key regulatory instrument but has drawn scrutiny for its restrictive provisions, including burdensome registration requirements for religious organisations and mandatory theological examinations. Such measures, while aimed at promoting transparency and addressing potential security risks, have raised concerns about their impact on the free exercise of religious rights.

Existing scholarship provides a foundation for understanding the complexities of religious regulation in Kazakhstan. Several studies, such as those by N. Baitenova *et al.* (2021), examined the transformation of Kazakhstan's religious landscape after independence, highlighting the impact of historical and political changes on religious governance. Around the same period, D. Allès (2021) contributed to the discussion from a global perspective, analysing the securitisation of religion in international security frameworks, which provides valuable insights into how religious governance policies are influenced by broader geopolitical concerns. Additionally, I. Jugl *et al.* (2021) explored the risks and protective factors associated with extremism, indirectly contributing to the discourse on religious regulation by assessing the conditions under which religious movements may become radicalised. J. Temperman (2010) advanced the discussion by critically evaluating the relationship between the secular state and religion in Kazakhstan, identifying legislative gaps that undermine constitutional protections of religious freedoms, while A.M. Almasovich and A. Zhalgas (2022) examined the risks and challenges emerging in Kazakhstan's religious sector, advocating for legislative reforms to address them.

At the same time, D. Gamza and P. Jones (2021) provided a comparative regional analysis of religious regulation across Central Asia, positioning Kazakhstan's approach within a broader governance framework. Meanwhile, studies from other contexts, such as those by P. Suyaman and T.F. Alfiany (2022) and M.A. Nasir (2022), analysed interfaith marriage laws in Indonesia, offering a comparative perspective on the interaction between religious and secular governance. More recent studies have focused on practical

policy recommendations and strategic governance improvements. R. Shaykhutdinov (2024) examined the accommodation of minority religious practices in post-communist Muslim republics, emphasising the challenges of balancing religious pluralism with public policy. Y. Buribayev *et al.* (2024) proposed strategic guidelines for state policy in the religious sphere, addressing key issues such as extremism and secular governance. Similarly, D. Achilov (2012) analysed the role of Islam in Kazakhstan's education system, linking religious discourse with broader societal development. R. Finke (2024) contributed a cross-national research agenda for studying religious freedom, emphasising the importance of contextual analyses when evaluating governance frameworks. Finally, M. Abdikakimov and M. Kari-baev (2024) explored the correlation between religious and secular values in Kazakhstan, shedding light on evolving societal attitudes toward religious regulation. This body of literature illustrates the progression of scholarly discourse, from foundational studies on historical transformations to recent policy-oriented research that seeks to align Kazakhstan's religious governance with international human rights standards.

The purpose of this study was to analyse the contemporary legal regulation of religious activity in Kazakhstan, focusing on its alignment with international human rights standards and its effectiveness in addressing societal needs. This research aimed to identify gaps in existing legislation, evaluate its impact on religious freedoms, and propose actionable recommendations for enhancing governance in this area. The objectives of the study were:

- to examine the legislative framework governing religious activity in Kazakhstan and its alignment with constitutional and international norms;
- to evaluate the societal and political implications of current regulatory practices;
- to propose evidence-based recommendations for improving legal and institutional mechanisms for managing religious activity.

Materials and methods

This research was conducted within the conceptual framework of legal pluralism and state-confessional theory, which focus on the coexistence and interaction of secular and religious norms within a unified legal framework. Each method was selected based on its ability to address specific research objectives effectively. The historical method was employed to trace the evolution of state-confessional relations in Kazakhstan from independence in 1991 to the present. This approach enabled the reconstruction of key stages in the development of religious policies and legal norms. One of the critical legislative milestones was the adoption of the Law of the Republic of Kazakhstan No. 1128-XII "On Freedom of Religion and Religious Associations" (1992). Despite its initial liberal provisions, the law allowed for legal restrictions on religious activities to protect public order, security, and morality, as well as the rights of other citizens. Over time, these regulatory gaps necessitated amendments, leading to significant changes in 2004 and 2005, which refined key legal definitions and expanded state oversight of religious organisations. A major shift occurred with the adoption of the Law of the Republic of Kazakhstan No. 483-IV (2011), which replaced the 1992 legislation. This marked a transition from relatively liberal policies to stricter state control over

religious activities. Subsequent amendments further tightened regulatory frameworks, reflecting Kazakhstan's broader shift toward a securitised approach to religious governance.

The formal-legal method provided the foundation for an in-depth analysis of legal texts governing the religious sphere, including the Constitution of the Republic of Kazakhstan (1995), the Law of the Republic of Kazakhstan No. 483-IV (2011) and international agreements ratified by Kazakhstan. This method was instrumental in evaluating the compliance of national legislation with constitutional principles and international human rights standards, such as those outlined in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (ICCPR) (1966). The formal-legal analysis exposed gaps and inconsistencies in existing laws and excessive administrative barriers, which hinder the practical realisation of religious freedoms. Legal modeling was employed to propose hypothetical improvements to the legislative framework governing religious activities. Based on identified shortcomings, this method facilitated the development of legislative scenarios aimed at optimising the legal environment.

A systemic approach was utilised to construct a holistic analysis of state-confessional relations within Kazakhstan's legal framework. By examining interrelations between legal norms, governmental policies, and religious practices, this method allowed for the identification of institutional and functional dynamics within the system. The systemic method facilitated the assessment of how legislative changes impacted the interaction between religious associations and state authorities, contributing to a nuanced understanding of policy effectiveness. This approach also revealed the role of external factors, such as international obligations and socio-cultural changes, in shaping Kazakhstan's legal regulation of the religious sphere.

The study drew on a diverse array of primary and secondary sources. Key materials included Constitution of the Republic of Kazakhstan (1995), the Law of the Republic of Kazakhstan No. 483-IV (2011), and associated regulations. Additionally, international treaties such as the International Covenant on Civil and Political Rights (1966) provided a benchmark for assessing legislative compliance. The research also relied on analytical reports, court decisions, and resolutions from national and international bodies, which offered insights into the practical application of religious policies (Resolution of the Government of the Republic of Kazakhstan No. 953, 2020; Resolution of the Government of the Republic of Kazakhstan No. 236, 2023). The Resolution of the Government of the Republic of Kazakhstan No. 953 (2020) and later amended by Resolution of the Government of the Republic of Kazakhstan No. 236 "On Amendments and Supplements to Certain Decisions of the Government of the Republic of Kazakhstan and Orders of the Prime Minister of the Republic of Kazakhstan" (2023), provided a strategic framework for regulating religious affairs, ensuring interfaith harmony, and maintaining national security in religious matters. Statistical data from government reports and OpenData platforms enriched the analysis by providing an empirical context for assessing the impact of legislative changes on real-world outcomes. Official reports, including the Comprehensive Plan for the Implementation of State Policy in the Religious Sphere of the Republic of Kazakhstan for 2021-2023, along with analytical reviews on state OpenData platforms, highlighted trends in religious policy, the

demographics of religious groups, and the level of public support for government initiatives (2023 Report on..., 2024).

The selection of countries for comparative analysis was based on their relevance to Kazakhstan's legal and political context, as well as their alignment with different models of religious regulation. The comparison with Uzbekistan and Turkmenistan was chosen due to their shared post-Soviet legal heritage and similar approaches to state control over religious activities, allowing for an assessment of how Kazakhstan's framework compares within the Central Asian region.

Uzbekistan, in particular, has undergone significant religious policy shifts in recent years, reflecting broader political reforms within the country. While historically known for its strict control over religious organisations, recent national strategies, including those implemented under the "New Uzbekistan" reforms, indicate efforts to modernize governance and improve religious freedom (Sobirovich, 2025). However, despite some progress, Uzbekistan continues to prohibit unregistered religious activities, maintaining a regulatory environment that prioritises state oversight over religious pluralism. This approach aligns with earlier efforts at religious regulation in independent Uzbekistan, which were aimed at balancing security concerns with controlled religious liberalisation (Umarov, 2021). Furthermore, while Uzbekistan has eased some restrictions, particularly regarding interfaith dialogue and religious education, the government still tightly monitors religious practices, fearing the spread of extremism. This reflects a broader regional strategy where religious governance is viewed through the lens of national security rather than human rights.

Turkmenistan's highly restrictive policies provide a further benchmark for understanding Kazakhstan's relative positioning, as it remains one of the most state-controlled religious environments in the region. The Turkmen government imposes severe restrictions on religious organisations, requiring all religious groups to register with the state, while non-compliance can lead to severe administrative and even criminal penalties (Horák & Polese, 2016).

Additionally, the government continues to enforce policies that limit religious expression in public spaces and place strict controls on religious literature and places of worship. The cult of personality surrounding the Turkmen leadership further reinforces this control, with state ideology often overshadowing religious discourse. In contrast, religious extremism and terrorism concerns have played a significant role in shaping Turkmenistan's restrictive policies, as the government actively suppresses religious groups it deems as a potential threat to national security (Akhantayeva & Mussabekova, 2024). This approach, while officially justified as a counterterrorism measure, has resulted in widespread human rights violations, including the imprisonment of religious activists and restrictions on independent religious organisations. Compared to Uzbekistan and Kazakhstan, Turkmenistan's religious policies are the most authoritarian, reflecting broader patterns of state repression across all aspects of civil society (Horák & Polese, 2016).

Meanwhile, Germany and the United Kingdom were selected as representatives of more liberal, democratic models that prioritise religious freedom, ensuring a contrast with Kazakhstan's state-centred regulatory framework. Germany's constitutional protections for religious rights and its cooperative approach between the state and religious organisations illustrate an alternative legal model that balances religious

freedoms with state oversight. Similarly, the United Kingdom's minimal regulatory approach, where religious organisations are not subject to mandatory registration unless they seek charitable status, contrasts with Kazakhstan's extensive administrative controls. By juxtaposing Kazakhstan's legal framework with both regional counterparts and established democratic systems, this comparative analysis provides insights into the effectiveness and limitations of its regulatory approach, highlighting potential areas for legal reform.

The case of Uzbekistan, in particular, demonstrates the challenges of transitioning from a highly restrictive religious policy toward a more open and internationally aligned framework. While legislative and institutional changes have been introduced, the continued prohibition of independent religious activity and strict government oversight suggest that Uzbekistan still struggles to fully realize religious freedom reforms (Umarov, 2021; Sobirovich, 2025). Similarly, Turkmenistan remains an extreme example of religious state control, where the government's authoritarian grip limits even the most fundamental expressions of religious identity (Horák & Polese, 2016; Akhantayeva & Mussabekova, 2024). Kazakhstan, while less restrictive than Turkmenistan, still enforces mandatory religious registration and places limitations on public religious gatherings, aligning more closely with Uzbekistan's controlled approach rather than with Western models of religious pluralism. This underscores the broader regional trend where legal adjustments do not always translate into substantive policy shifts, making comparative analysis crucial for evaluating Kazakhstan's own approach to religious governance.

The research followed a structured sequence. Initially, the historical context of state-confessional relations was reconstructed using legislative analysis and archival data. Next, systemic and formal-legal methods were applied to examine the interrelations within the regulatory framework and evaluate compliance with international standards. Finally, the legal modeling method was used to propose actionable legislative improvements. This step-by-step approach ensured that the study addressed both theoretical and practical dimensions of the research problem.

Results

A retrospective of Kazakhstan's religious policy. One of the critical legislative milestones was the adoption of the Law of the Republic of Kazakhstan No. 1128-XII (1992). This law positioned Kazakhstan as a secular and democratic state, guaranteeing citizens' equality regardless of their religious beliefs. However, despite its initial liberal provisions, the law allowed for legal restrictions on religious activities to protect public order, security, and morality, as well as the rights of other citizens. While these restrictions were initially justified as measures to maintain stability, they conflicted with international human rights principles, particularly Article 18 of the Universal Declaration of Human Rights (1948), which guarantees the right to freedom of thought, conscience, and religion, including the freedom to manifest one's beliefs individually or in community with others, publicly or privately. A major shift occurred with the adoption of the Law of the Republic of Kazakhstan No. 483-IV (2011), which marked a transition from relatively liberal policies to stricter state control over religious activities. The 2011 law introduced rigorous registration requirements for religious organisations, imposed restrictions on missionary activity,

and prohibited unregistered religious groups from operating. The shift from the 1992 to the 2011 legislation illustrates the increasing securitisation of Kazakhstan's religious policy.

Kazakhstan's legal framework is primarily governed by the Constitution of the Republic of Kazakhstan (1995) and the Law of the Republic of Kazakhstan No. 483-IV (2011), which regulate the establishment and operation of religious groups. Supplementary regulations include decrees and administrative acts that guide the implementation of these laws. However, inconsistencies in defining key legal concepts, such as "religious association" and "religious activity", contribute to legal uncertainty. One of the central mechanisms of control is the mandatory registration of religious associations. While this provision aims to regulate religious activities, it has been criticised for creating administrative barriers, particularly for minority groups, and potentially infringing upon the constitutional right to freedom of religion. Additionally, the restriction on public religious gatherings without prior approval raises concerns about proportionality and compatibility with international standards, particularly Article 18 of the International Covenant on Civil and Political Rights (1966), which permits limitations on religious freedom only when necessary to protect public safety, order, health, or morals.

The regulation of the religious sphere in Kazakhstan is primarily governed by Article 22 of the Constitution of the Republic of Kazakhstan (1995) and Articles 3, 4, 7 of the Law of the Republic of Kazakhstan No. 483-IV (2011). These foundational documents establish the legal framework for state-religious relations, define the rights and obligations of religious associations, and set limitations on religious practices. To operationalise these laws, the Resolution of the Government of the Republic of Kazakhstan No. 953 (2020), and later amended by Resolution of the Government of the Republic of Kazakhstan No. 236 (2023), provided a strategic framework for regulating religious affairs, ensuring interfaith harmony, and maintaining national security in religious matters. While this plan outlines measures to manage religious activities and promote stability, its implementation has raised concerns about excessive state control and the marginalisation of minority religious groups. A closer analysis of these regulatory mechanisms reveals inconsistencies, gaps, and areas for improvement within the current system, particularly regarding the balance between religious freedom and national security considerations.

One of the central mechanisms of control is the registration of religious associations, mandated by Article 3 of the Law of the Republic of Kazakhstan No. 483-IV (2011). This provision requires all religious organisations to register with the state to gain legal recognition. The registration process includes submitting charters, conducting a religious studies examination of the association's documents, and meeting membership thresholds, as detailed in Articles 9 and 11 of the same Law of the Republic of Kazakhstan No. 483-IV. While these requirements aim to regulate religious activities, they have been criticised for creating administrative barriers, particularly for minority groups, and potentially infringing upon the constitutional right to freedom of religion, as stated in Article 22 of the Constitution of the Republic of Kazakhstan (1995).

Critics argue that the stringent registration requirements make it difficult for smaller religious communities to operate legally. For example, the U.S. Commission on International

Religious Freedom (2022) highlights that these regulations disproportionately impact minority religious groups, as they often lack the necessary membership numbers or financial resources to comply with state requirements. Additionally, the 2023 Report on International Religious Freedom: Kazakhstan (2024) notes that religious groups failing to obtain registration face fines, restrictions on public worship, and, in some cases, legal dissolution. Furthermore, the I.N. Brady (2015) has pointed out that the religious studies examination process lacks transparency, allowing authorities to arbitrarily reject applications from non-traditional religious groups. The report also emphasises that state-controlled religious regulation contradicts Kazakhstan's commitments under international human rights treaties, such as the International Covenant on Civil and Political Rights (1966) under Article 18, which guarantees the right to freedom of thought, conscience, and religion with minimal state interference.

According to Article 22 of the Constitution of the Republic of Kazakhstan (1995), every citizen is guaranteed freedom of conscience and religion, including the right to freely practice any religion or none at all. However, Article 7 of the Law of the Republic of Kazakhstan No. 483-IV (2011) stipulates those religious rites may only be conducted in designated places of worship or with prior approval from local authorities. This territorial restriction on religious worship contradicts the principle of proportionality, as it imposes broad prohibitions without demonstrating the necessity of such measures in each specific case. According to Article 18(3) of the International Covenant on Civil and Political Rights (1966), to which Kazakhstan is a signatory, restrictions on religious freedom may only be applied when necessary to protect public safety, order, health, morals, or the fundamental rights of others. However, as noted by the 2023 Report on International Religious Freedom: Kazakhstan (2024) Kazakhstan's restrictions on places of worship are not always justified by public safety concerns but rather serve as a mechanism for state control over religious groups. This has led to discriminatory application of restrictions against religious minorities, who often lack access to officially registered places of worship.

According to paragraph 9.4 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), participating states are obligated not to impose unjustified obstacles on religious groups in exercising their freedom of worship. However, as noted by U.S. Commission on International Religious Freedom (2022), Kazakhstan limits opportunities for public religious gatherings, disproportionately violating principles of religious freedom and equality of religious organisations. Thus, the legislative restrictions on religious organisations in Kazakhstan do not always comply with the principle of proportionality as established in Article 18(3) of the International Covenant on Civil and Political Rights (1966) and the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE. These limitations may also contradict Article 22 of the Constitution of the Republic of Kazakhstan (1995), which guarantees freedom of conscience but is subject to administrative barriers in practice. This indicates a need for a revision of the regulatory framework governing the religious sphere to align Kazakhstan's domestic laws with international human rights standards.

The provision in Article 490 of the Code of the Republic of Kazakhstan "On Administrative Infractions" (2014)

penalising religious associations for engaging in activities not specified in their charter's conflicts with the constitutional principle of freedom of association as outlined in Article 5 of the Constitution of the Republic of Kazakhstan (1995). This article guarantees the right of citizens to form associations, including religious organisations, and does not explicitly restrict their activities to those predefined in a charter. Furthermore, Article 22 of the Constitution of the Republic of Kazakhstan ensures freedom of conscience, which encompasses the right to practice religion freely. Restricting religious organisations' activities solely to those listed in their charters creates unjustified administrative barriers that are not necessarily linked to protecting public safety, order, health, or morals – the only permissible grounds for restricting religious freedom under Article 18(3) of the International Covenant on Civil and Political Rights (1966).

A more nuanced legal analysis, however, acknowledges that Article 32 of the Constitution of the Republic of Kazakhstan (1995) allows for certain restrictions on freedom of assembly in the interests of state security, public order, and the protection of the rights and freedoms of others. While this provision may justify some regulatory oversight of religious activities, the broad and vague nature of Article 490 of the Code of the Republic of Kazakhstan "On Administrative Infractions" (2014) permits discretionary enforcement, which may lead to arbitrary restrictions on religious organisations. For example, religious groups may evolve over time, incorporating new forms of worship, educational activities, or community outreach, which may not have been explicitly outlined in their original charter. Penalising such developments contradicts the constitutional commitment to freedom of association and religion and fails to meet the international legal standard of proportionality under Article 18 of the International Covenant on Civil and Political Rights (1966). Thus, the legal framework should be revised to ensure that restrictions on religious associations are necessary and proportionate, rather than imposed through rigid administrative requirements that may not align with constitutional and international human rights principles.

This inconsistency underscores the need for a systematic review to harmonise legal norms and eliminate contradictions. Although Article 1 of the Law of the Republic of Kazakhstan No. 483-IV (2011) provides definitions for "religious activity" and "religious association", legal ambiguity persists in practice, leading to inconsistent enforcement and restrictions on religious freedom. The lack of a clear distinction between individual religious practices and organised religious activities has resulted in penalties for informal religious gatherings, even when they do not constitute a formal association (Kazakhstan. Events..., 2022). Additionally, compulsory registration requirements have led to misinterpretations, penalising unregistered groups even when engaging in personal religious expression rather than missionary activities (OSCE Office for Democratic Institutions and Human Rights, 2019). Furthermore, unclear regulations on religious literature and places of worship have allowed authorities to arbitrarily restrict religious materials and outlaw private prayer meetings (Amnesty International, 2019). Data from United States Department of State further highlight the inconsistencies in enforcement, revealing disparities in the number of registered religious organisations across regions, as well as a pattern of heightened scrutiny toward minority religious groups (2023 Report on..., 2024).

These legal uncertainties and inconsistent applications of the law reinforce the need for clearer definitions and reforms to align Kazakhstan's religious policies with international human rights standards (2019 Report on..., 2020).

Kazakhstan's legal framework demonstrates partial alignment with international human rights norms, but specific inconsistencies exist between national legislation and international standards. Article 18 of the International Covenant on Civil and Political Rights (1966) guarantees freedom of religion and states that restrictions on religious expression are permissible only if necessary and proportionate to protect public safety, order, health, or morals. However, Article 3 of the Law of the Republic of Kazakhstan No. 483-IV (2011) imposes a mandatory registration requirement for all religious groups, including small and informal ones. This contradicts the interpretation of Article 18(3) of the ICCPR by the United Nations (UN) Human Rights Committee, which has criticised Kazakhstan's approach for making legal recognition a precondition for exercising religious freedom, potentially violating the principle that unregistered groups must also enjoy basic religious freedoms (Kaye *et al.*, 2016).

Additionally, Article 7 of the Law of the Republic of Kazakhstan No. 483-IV (2011) confines public worship to registered places of worship and requires additional permissions for religious activities outside these premises, including private homes and public spaces. This requirement is stricter than the proportionality standard outlined in Article 9 of the European Convention on Human Rights (ECHR) (1950), which allows freedom of religious assembly unless it directly threatens public order. The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) also states that states should facilitate, not hinder, religious practices, yet Kazakhstan's broad discretionary powers in enforcing these restrictions have led to administrative penalties and criminal liability for unregistered religious gatherings (OSCE Office for Democratic Institutions and Human Rights, 2019).

Furthermore, Article 490 of the Code of the Republic of Kazakhstan "On Administrative Infractions" (2014) penalizes religious associations for engaging in activities not explicitly listed in their charters, effectively restricting their ability to evolve or respond to new social needs. This contradicts Article 22 of the Constitution of Kazakhstan (1995), which guarantees freedom of conscience and does not explicitly link religious rights to state approval. The OSCE Office for Democratic Institutions and Human Rights (2019) has criticised Kazakhstan's legal framework for granting excessive control to state authorities over religious associations, particularly in the registration and approval of religious literature. Thus, while Kazakhstan's constitutional provisions formally uphold religious freedom, its implementing legislation – particularly the Law of the Republic of Kazakhstan No. 483-IV (2011) and Code of the Republic of Kazakhstan "On Administrative Infractions" – contains restrictive elements that deviate from international human rights obligations under the ICCPR, ECHR, and Organisation for Security and Co-operation in Europe (OSCE) principles. These contradictions necessitate legislative reforms to bring domestic laws into full compliance with international commitments on religious freedom.

The implementation of religious legislation in Kazakhstan reveals further challenges. Administrative practices of-

ten emphasise control over facilitation, resulting in a lack of trust between the state and religious communities. For instance, the process of conducting religious studies examinations, as required for registration, has been criticised for its opacity and potential bias. These issues highlight the need for more transparent and consistent enforcement mechanisms. Judicial interpretations of religious laws in Kazakhstan have exhibited significant variation, reflecting a lack of standardised guidelines for courts and leading to inconsistent enforcement of religious legislation. This inconsistency undermines the predictability of legal outcomes and creates uncertainty for religious associations seeking to navigate the regulatory framework.

For instance, different courts have issued divergent rulings regarding the legal status of unregistered religious groups, with some judges recognising their right to practice freely, while others impose administrative penalties based on the strict interpretation of the Law of the Republic of Kazakhstan No. 483-IV (2011). The absence of uniform judicial practice exacerbates the risk of arbitrary decision-making, particularly in cases involving religious literature, missionary activities, and public worship. Furthermore, courts frequently rely on broad discretionary powers granted to administrative bodies, leading to a lack of independent judicial oversight in religious freedom cases. The United States Department of State has raised concerns over the absence of clear procedural safeguards for religious associations, noting that judicial appeals against registration denials and administrative penalties rarely result in favourable outcomes due to the deference courts afford to executive authorities (2019 Report on..., 2020). Consequently, the lack of clear judicial standards not only limits religious associations' ability to challenge state-imposed restrictions effectively but also reinforces a legal environment where compliance with international human rights norms remains uncertain.

Kazakhstan's policy on religious activity in comparative perspective. Kazakhstan's model more restrictive than Western legal frameworks, yet slightly more flexible than Uzbekistan's or Turkmenistan's prohibitive policies. Turkmenistan, governed by Article 11 of the Law of Turkmenistan No. 199-II "On Freedom of Religion and Religious Organisations" (2003), represents a highly restrictive model, where local executive authorities regulate and approve most aspects of religious activity. This decentralised control allows regional authorities to exercise broad discretionary power over religious organisations, which can lead to inconsistent enforcement and arbitrary decision-making. In contrast, Kazakhstan enforces religious regulations primarily at the national level through Articles 3, 7 of the Law of the Republic of Kazakhstan No. 483-IV (2011), which mandates a centralised registration system and imposes restrictions on public religious practices. This distinction highlights a fundamental difference: while Turkmenistan's model relies on localised oversight, Kazakhstan's approach ensures uniformity in regulation but maintains tight state control over religious communities at the national level.

A key distinction between the two legal frameworks lies in the scope of permitted religious activities. Article 11 of the Law of Turkmenistan No. 199-II "On Freedom of Religion and Religious Organisations" (2003) requires religious organisations to obtain direct approval from local executive bodies before conducting any activities, effectively limiting religious expression to government-sanctioned groups.

In contrast, Kazakhstan does not impose such a direct local approval process but enforces a mandatory state registration system, making legal recognition a prerequisite for any religious activity (Law of the Republic of Kazakhstan No. 483-IV, 2011). While both systems impose significant administrative barriers, Turkmenistan's model grants broader discretionary power to local officials, whereas Kazakhstan implements a nationwide regulatory framework that centralizes religious oversight.

Another important distinction concerns public religious practices. According to Article 7 of the Law of the Republic of Kazakhstan No. 483-IV (2011), religious gatherings outside officially registered places of worship require prior authorisation, and failure to comply can result in administrative penalties (OSCE Office for Democratic Institutions and Human Rights, 2019). This contrasts with Turkmenistan's more restrictive approach, where religious meetings in private homes are generally prohibited unless explicitly permitted by local authorities (Law of Turkmenistan No. 199-II, 2003). This demonstrates a notable difference in enforcement: while both states impose limitations on religious gatherings, Kazakhstan's framework provides a legal mechanism for authorisation, whereas Turkmenistan's policies create a default prohibition, effectively eliminating most opportunities for informal religious practice.

Consequently, while both Kazakhstan and Turkmenistan enforce state-centred religious regulation, the degree of control and the level at which it is implemented vary significantly. Turkmenistan's highly localised model leads to inconsistent enforcement and widespread suppression of religious activity, whereas Kazakhstan's centralised registration system creates uniform, yet still restrictive, barriers. Neither system aligns with European Union (EU) legal standards, which emphasise freedom of religion without excessive state intervention.

In Germany, religious communities enjoy a voluntary and decentralised recognition system that provides them with legal and financial benefits without imposing mandatory registration. According to Article 4 of the Basic Law for the Federal Republic of Germany (1949), freedom of religion is inviolable, and religious organisations can operate without registration, unlike in Kazakhstan, where Article 3 of the Law of the Republic of Kazakhstan No. 483-IV (2011) requires mandatory state registration for all religious groups. In Germany, religious organisations can exist as private associations (*Vereine*), registered non-profit organisations (*e.V.*), or public law corporations (*Körperschaften des öffentlichen Rechts*), with each level offering different legal rights and benefits (Basic Law for the Federal Republic of Germany, 1949). The highest level of recognition, public law corporation status, is granted based on objective criteria, such as long-term existence and societal contributions, allowing religious communities to receive state funding, manage religious schools, and provide social. In contrast, Kazakhstan's system mandates registration for all religious activities, and authorities retain broad discretionary power to approve or deny applications, creating administrative barriers for minority groups (OSCE Office for Democratic Institutions and Human Rights, 2019). Furthermore, unregistered religious activity in Kazakhstan is penalised, whereas in Germany, religious communities can freely operate without formal state recognition. This distinction highlights Germany's more liberal and inclusive approach to religious freedom, in which

the state fosters cooperation with religious groups without imposing bureaucratic constraints, compared to Kazakhstan's restrictive and control-oriented system (International Center for Not-for-Profit Law, 2025).

Similarly, the United Kingdom follows a model of minimal regulation, where religious associations are not required to register unless they seek charitable status for tax benefits. The Equality Act (2010) in the United Kingdom explicitly prohibits discrimination based on religion or belief, ensuring equal treatment in employment, education, and public services. According to Section 10 of the Equality Act, religion includes any religious or philosophical belief, as well as the lack of belief. The law applies to both direct and indirect discrimination, meaning that policies or practices that disadvantage individuals due to their religious beliefs are unlawful unless they can be objectively justified (Equality Act, 2010). The Public Sector Equality Duty (Section 149) further obliges public authorities to consider the impact of their policies on religious groups and actively promote equality. This framework ensures a more inclusive environment for all religious communities in the UK, contrasting with Kazakhstan's restrictive policies on religious registration and public worship (OSCE Office for Democratic Institutions and Human Rights, 2019). These frameworks contrast sharply with Kazakhstan's mandatory registration requirements and the limitations on public religious practices, highlighting the restrictive nature of Kazakhstan's approach.

The mandatory registration requirement for religious associations in Kazakhstan has been widely criticised for imposing significant administrative barriers, particularly for smaller or non-traditional religious groups. According to the United States Commission on International Religious Freedom (2022), the registration process requires religious groups to submit a minimum number of members, undergo state-conducted religious expertise assessments, and obtain approval from the government. This bureaucratic process disproportionately affects minority religious communities that may not have the required number of adherents or face ideological scrutiny during registration. United States Commission on International Religious Freedom further notes that unregistered religious activity is prohibited under Law of the Republic of Kazakhstan No. 483-IV (2011), meaning that groups unable to register face legal consequences, including administrative fines and potential dissolution.

The 2022 Report on International Religious Freedom: Kazakhstan (2023) highlights that these registration requirements have led to the harassment of minority religious communities, particularly Protestant Christian groups, Jehovah's Witnesses, and Ahmadi Muslims, who have faced legal actions for holding religious meetings without official recognition. The report cites cases where authorities have raided unregistered religious gatherings, fined participants, and confiscated religious literature. Such actions violate international norms outlined in Article 18 of the International Covenant on Civil and Political Rights (1966), which guarantees the right to freely practice religion without undue government interference.

Human rights organisations have also expressed concerns over Kazakhstan's approach to religious regulation (Sopelnyk, 2025). The Office of the United Nations High Commissioner for Human Rights has urged Kazakhstan to abolish mandatory registration, stating that "registration should not be a precondition for individuals and groups

to exercise their religious freedoms” (Kazakhstan’s human rights..., 2025). This aligns with OSCE Office for Democratic Institutions and Human Rights principles, which emphasise that while registration can provide legal benefits, it should not be a requirement for religious practice. Kazakhstan’s legal framework, however, restricts public worship to registered religious organisations, a policy that has been criticised for contradicting Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) commitments to ensuring religious pluralism (OSCE/ODIHR guidelines..., 2016).

The United Nations Human Rights Council criticised these restrictions as disproportionate, yet fines under Article 490 of the Code of the Republic of Kazakhstan “On Administrative Infractions” (2014) persist (Kaye *et al.*, 2016; OSCE/ODIHR guidelines..., 2016). In contrast, Article 4 of the Basic Law for the Federal Republic of Germany (1949) allows unrestricted public worship without mandatory registration, and the United Kingdom’s Equality Act (2010) ensures non-discriminatory access to religious spaces. Unlike Kazakhstan, these countries uphold religious pluralism without excessive administrative control. Thus, Kazakhstan’s frequent enforcement of Article 7, as reported by U.S. Department of State, Forum 18 News Service, and OSCE Office for Democratic Institutions and Human Rights, limits religious expression (OSCE/ODIHR guidelines..., 2016; Corley & Kinahan, 2022; 2022 Report on..., 2023). Aligning its policies with international human rights norms would enhance religious freedom and pluralism.

Similarly, Forum 18 News Service reported that Baptist churches in Kazakhstan have frequently been denied registration despite meeting all formal requirements (Corley & Kinahan, 2022). Authorities have used administrative discretion to refuse registration on the grounds that “insufficient demand exists for this religious denomination in the country”. This reasoning contradicts the OSCE Office for Democratic Institutions and Human Rights, which state that registration should not be dependent on the number of adherents but rather should be a neutral administrative process (OSCE/ODIHR guidelines..., 2016). The UN Human Rights Committee also criticised Kazakhstan for arbitrary application of registration requirements, citing cases where Protestant groups and Jehovah’s Witnesses faced unwarranted rejections (Kaye *et al.*, 2016). The committee noted that “excessive governmental discretion in granting registration should not be allowed, as it may lead to discrimination against minority religious groups”. Despite these concerns, Kazakh authorities continue to apply inconsistent standards to different religious groups.

In summary, while Kazakhstan has made strides in legislating religious freedom, aligning its legal framework with international norms and reducing administrative and practical barriers are essential for fostering a more inclusive environment.

Religious policy of Kazakhstan from the perspective of religious communities of the country. The religious policy of Kazakhstan has elicited mixed reactions from various stakeholders, including religious associations, civil society organisations, and international institutions. While the government asserts that its regulatory framework promotes stability and national security, many religious communities argue that it imposes undue restrictions on their activities, particularly minority groups. For instance, mandatory

registration requirements and restrictions on public worship have been criticised for disproportionately affecting smaller and non-traditional religious associations, often limiting their ability to operate freely.

State control over religious activity has had a significant impact on public attitudes toward religious freedom. Many citizens view the restrictive measures as necessary for maintaining social harmony and preventing extremism (Otynshiyeva *et al.*, 2019). This perspective is supported by research indicating that Kazakhstan’s religious policies aim to balance state security concerns with social stability. Y. Buribayev *et al.* (2024) highlight that government-imposed restrictions on religious activities are often justified as measures to prevent radicalisation and maintain interfaith harmony, despite concerns about their impact on religious freedoms. Similarly, A.M. Almasovich and A. Zhalgas (2022) emphasise that public support for restrictive religious policies stems from fears of extremism and instability, leading to general acceptance of state control over religious organisations. These findings illustrate how religious governance in Kazakhstan is shaped by both security considerations and prevailing societal attitudes toward state intervention in religious affairs. However, these measures have also stifled religious pluralism by creating a system where majority religious groups, such as Sunni Islam and Russian Orthodoxy, are favoured, while minority groups face administrative hurdles. This has led to a perception of unequal treatment among religious communities and raised concerns about potential social tensions.

The challenges faced by religious communities in Kazakhstan are well illustrated by specific cases, which highlight the tension between national legislation and international commitments to religious freedom. Kazakhstan’s mandatory registration requirements for religious organisations have led to significant legal challenges for groups such as Jehovah’s Witnesses, the Ahmadiyya Muslim Community, and Baptist churches. These cases highlight the tension between national administrative regulations and international human rights standards. Jehovah’s Witnesses have faced numerous legal obstacles due to their failure to register with state authorities. Over the years, more than 60 Jehovah’s Witnesses have been fined for engaging in missionary activities without registration. In one notable instance, a court in Almaty suspended all activities of the Christian Center of Jehovah’s Witnesses in Kazakhstan for three months, citing minor administrative violations as the basis for the suspension (Hurd, 2017; Kazakhstan suspends activity..., 2017). The Ahmadiyya Muslim Community has also encountered significant challenges. Operating in Almaty, the community failed to pass the mandatory re-registration process, leading to a court decision to close it. The head of the community, Nyrin Taibek, argued that the authorities discriminated against them due to theological differences with the Spiritual Governance of Muslims in Kazakhstan (Court refuses to..., 2013). Baptist churches have similarly faced penalties for conducting religious meetings without prior authorisation. Authorities have prosecuted individuals for “violating the procedure for conducting religious meetings”, even in private settings. For example, two Protestants from Atyrau were prosecuted for drinking tea with other church members, an act deemed a violation of the law (2022 Report on..., 2023).

These cases underscore the broader issue of whether Kazakhstan’s laws align with its obligations under the ICCPR and other international treaties. The restrictive regulatory

framework has hindered religious pluralism and marginalised smaller groups. International institutions, such as the UN Human Rights Committee and the OSCE, have called for reforms to align national laws with international commitments, emphasising the importance of non-discrimination and the facilitation of religious pluralism (Levchenko, 2023).

To foster a more inclusive and harmonious society, reforms are needed to align Kazakhstan's domestic laws with international standards and address the grievances of religious communities. A balanced approach that respects religious diversity while safeguarding public order is essential for building a cohesive and tolerant society.

The legal modeling method was applied to develop actionable legislative improvements aimed at enhancing Kazakhstan's legal framework for religious freedom. The analysis focused on refining the structure of the Law of the Republic of Kazakhstan No. 483-IV (2011) to ensure consistency with constitutional principles and international human rights obligations. Given that freedom of religion and belief is a fundamental right protected under Article 22 of the Constitution of the Republic of Kazakhstan (1995) and Article 3 of the Law of the Republic of Kazakhstan No. 483-IV, the proposed legislative amendments emphasise balancing state regulation with the protection of religious freedoms. The updated law should establish a clear legal framework by consolidating two main sections: human rights in the religious sphere and the legal regulation of religious associations. It should provide precise definitions for key legal terms, including "religious association", and incorporate standardised legal norms governing registration procedures, legal status, operational rules, financial accountability, religious education, and religious representation. By eliminating legal ambiguities and ensuring proportionality in restrictions on religious activities, these legislative improvements will strengthen legal certainty and promote the fair and transparent application of regulatory measures. This legal modeling approach ensures that the proposed amendments address both theoretical concerns related to legal coherence and practical challenges faced by religious associations in Kazakhstan.

Discussion

A key issue identified in the study is the inconsistency between Kazakhstan's domestic legal framework and its international obligations. While national laws emphasise state control and security considerations, they frequently diverge from principles of religious pluralism and non-discrimination. The comparative analysis demonstrated that Kazakhstan's approach is significantly more restrictive than European models, such as those in Germany and the United Kingdom, where religious associations enjoy more autonomy, and public worship is generally not subject to extensive governmental oversight. At the same time, Kazakhstan's policies, though strict, are relatively more flexible than those of neighbouring Central Asian states, such as Uzbekistan and Turkmenistan, where unregistered religious activity is completely prohibited.

The analysis of religious regulation in Kazakhstan demonstrates a complex interplay between state policies, international commitments, and societal attitudes toward religious freedom. The findings indicate that while Kazakhstan formally upholds freedom of religion, its legal framework imposes significant restrictions on religious practices through mandatory registration, limitations on public worship, and discretionary enforcement mechanisms. These

aspects align with broader regional trends in Central Asia, where state control over religious institutions has historically been a key governance strategy (Gamza & Jones, 2021). However, comparative insights highlight that Kazakhstan's model, while restrictive, does not fully align with either the more rigid policies of Turkmenistan and Uzbekistan or the more inclusive frameworks of European states such as Germany and the United Kingdom.

A key theme emerging from the study concerns the challenges associated with the registration of religious organisations. The mandatory registration requirement, stipulated in Article 3 of the Law of the Republic of Kazakhstan No. 483-IV (2011), has been widely criticised for creating administrative barriers, particularly for minority religious groups. J. Fox and R. Finke (2021) emphasise the role of institutional freedoms in ensuring religious rights, arguing that excessive bureaucratic oversight can undermine fundamental liberties. In Kazakhstan, registration procedures involve extensive governmental scrutiny, including doctrinal examinations, which have led to the exclusion of non-traditional religious groups, such as Jehovah's Witnesses and the Ahmadiyya Muslim Community (United States Commission on International Religious Freedom, 2022). This practice contradicts the OSCE Office for Democratic Institutions and Human Rights guidelines, which stress that registration should not be a prerequisite for exercising religious freedom (OSCE/ODIHR guidelines..., 2016).

The legal and administrative inconsistencies within Kazakhstan's regulatory framework further complicate the religious landscape. J. Temperman (2010) highlight that while Article 22 of the Constitution of the Republic of Kazakhstan guarantees freedom of conscience, the enforcement of legal provisions often contradicts this principle. In particular, Article 490 of the Code of the Republic of Kazakhstan "On Administrative Infractions" (2014), penalizes religious associations for engaging in activities not explicitly listed in their charters. This restriction contradicts the principle of flexibility in religious practice, as articulated by R. Finke (2024), who argues that legal frameworks should accommodate the evolving nature of religious expression. The requirement that religious organisations operate strictly within predefined parameters limits their ability to adapt to changing social and theological contexts.

From a historical perspective, N. Baitenova *et al.* (2021) trace the evolution of Kazakhstan's religious policy from its early post-independence liberalism to the more securitised approach introduced with the 2011 law. While their analysis accurately reflects the tightening of religious regulations in response to perceived security threats, the conducted research suggests that this shift may not have been entirely justified by objective risks. Instead, the securitisation of religious governance appears to be part of a broader regional trend among post-Soviet states, where the strengthening of state control over religious organisations is often framed as a necessary response to extremism and national identity concerns (Kopan & Melnyk, 2024). However, this approach raises questions regarding its proportionality and effectiveness, as excessive restrictions on religious activity may contribute to social tensions rather than mitigate security risks.

This interpretation aligns with D. Allès (2021), who examines the intersection between religion and international security, arguing that securitisation often serves as a pretext for consolidating state power rather than addressing

actual extremist threats. While Kazakhstan's policies regulating missionary activities and religious literature can be understood as preventative measures, their practical implementation has faced criticism. D.K. Raihyaev (2015) highlight that these restrictions frequently extend beyond legitimate security concerns and instead limit religious pluralism, disproportionately affecting minority religious groups. The inconsistency between the declared goals of state policy and its real impact suggests that a more nuanced regulatory approach is required – one that ensures national security without infringing upon fundamental religious freedoms.

Moreover, while the securitisation of religious governance in Kazakhstan follows a similar trajectory to other post-Soviet states, the degree of control varies significantly (Turemuratov *et al.*, 2024). Unlike Turkmenistan, where state control over religion is absolute, Kazakhstan's policies, though restrictive, still allow for a certain degree of religious diversity. However, in comparison to Uzbekistan, which has initiated limited religious reforms in recent years, Kazakhstan appears to be lagging in aligning its religious regulations with international human rights standards. This discrepancy underscores the importance of reassessing the effectiveness of Kazakhstan's current approach and considering alternative models that balance security concerns with respect for religious freedoms.

The socio-political implications of these restrictive policies are evident in public attitudes toward religious pluralism, yet their impact remains a subject of debate. While A.M. Almasovich and A. Zhalgas (2022) provide an assessment of risks and challenges in Kazakhstan's religious sphere, noting that state-favoured religious institutions – such as the Spiritual Administration of Muslims of Kazakhstan (SAMK) and the Russian Orthodox Church – receive preferential treatment, the rationale behind this favouritism requires further scrutiny. On one hand, the state justifies such policies as a means of maintaining social cohesion and preventing religious radicalisation. On the other hand, these measures create systemic disadvantages for minority religious groups, limiting their public visibility and institutional development. This raises critical concerns about whether such favouritism genuinely contributes to stability or, conversely, exacerbates religious marginalisation.

Moreover, R. Shaykhutdinov (2024) highlights a similar trend in other post-communist Muslim republics, where state-supported religious institutions are positioned as guardians of national identity while non-traditional groups are often viewed with suspicion. However, this approach is not without consequences – restricting minority religious communities can lead to their alienation from broader societal discourse and discourage open religious dialogue. While Kazakhstan officially promotes an image of religious tolerance, its regulatory framework, in practice, appears to undermine this commitment by disproportionately impacting smaller religious communities (Saparbekova *et al.*, 2024). This contradiction raises important questions: does the state's approach to religious governance genuinely serve the public interest, or does it primarily function as a tool for reinforcing state control over religious life?

Additionally, comparative analysis suggests that Kazakhstan's selective favouritism toward certain religious groups contrasts with more pluralistic approaches found in European legal frameworks, which emphasise equal treatment and non-discrimination. Unlike Directive of the Council of

European Union No. 2000/78/EC (2000), which explicitly prohibits religious discrimination in institutional settings, Kazakhstan's policies institutionalise a hierarchy among religious organisations, making it difficult for minority groups to operate on equal footing. This divergence underscores the need for a reassessment of Kazakhstan's regulatory approach to ensure that it aligns not only with national security objectives but also with international commitments to religious freedom and pluralism.

A comparative perspective on Kazakhstan's regulatory framework offers further insights into its restrictive nature, yet it also raises important questions regarding the balance between security concerns and religious freedom. Y. Buribayev *et al.* (2024) propose a strategic development plan for religious governance, emphasising the need for greater transparency and legal predictability. While their recommendations highlight necessary reforms, the extent to which such proposals can be effectively implemented remains uncertain, particularly given the entrenched nature of state oversight in religious affairs. Although transparency is often cited as a means of improving governance, previous legislative amendments in Kazakhstan have demonstrated that increased legal clarity does not necessarily translate into greater religious freedom, as enforcement mechanisms often favour state control rather than equitable regulation.

Furthermore, I. Iskakova *et al.* (2023) stress that inconsistencies in legal definitions contribute to arbitrary enforcement, a problem that is particularly evident in the distinction between religious activity and missionary work. This vague legal framework has resulted in the criminalisation of informal religious gatherings, raising concerns about the disproportionate impact on minority religious groups. However, an alternative viewpoint suggests that such strict definitions may be deliberately maintained to allow the government flexibility in managing religious organisations based on shifting political priorities. If this is the case, then regulatory ambiguity is not merely an oversight but rather a strategic tool for selective enforcement.

This perspective is supported by international reports from OSCE Office for Democratic Institutions and Human Rights (2019) and United States Commission on International Religious Freedom (2022), which repeatedly highlight those legal uncertainties enable state authorities to impose restrictions on religious communities in an inconsistent manner. While these reports criticise Kazakhstan's approach, they do not fully account for the broader regional context, where similar regulatory mechanisms exist in neighbouring Central Asian states. Compared to Turkmenistan and Uzbekistan, where religious organisations face even stricter state control, Kazakhstan's system, though restrictive, still allows for a degree of religious expression. This raises the question: should reforms aim for incremental improvements within the existing framework, or is a more fundamental restructuring of religious governance necessary? The answer depends on whether policymakers prioritise international human rights commitments or maintain the status quo under the justification of national security and social cohesion.

The broader international discourse on religious freedom and governance further contextualises Kazakhstan's regulatory challenges, yet it also reveals significant differences in how states justify and implement religious restrictions. R. Finke (2024) underscores that state interventions in religious affairs must be assessed through a global

comparative lens, considering both security concerns and human rights obligations. While this perspective highlights the need for a balanced approach, Kazakhstan's policies often lean disproportionately toward securitisation rather than the protection of religious freedoms. This raises an important question: are Kazakhstan's restrictive measures genuinely necessary for national stability, or do they reflect a broader pattern of state control over religious life inherited from the Soviet era?

This issue becomes more apparent when comparing Kazakhstan's legal framework to international best practices. Unlike Directive of the Council of European Union No. 2000/78/EC (2000), which explicitly prohibits religious discrimination in institutional settings, Kazakhstan's regulatory framework imposes significant administrative barriers on minority religious groups, effectively institutionalising a hierarchy among religious organisations. Such an approach appears inconsistent with global human rights commitments, yet it remains justified within the state's broader national security framework. However, an overly rigid securitisation strategy risks alienating religious communities and undermining social cohesion, rather than strengthening national stability (Parkhomenko, 2023).

D. Gamza and P. Jones (2021) document similar trends across Central Asia, where legal restrictions on religious activity often stem from historical legacies of Soviet-era control mechanisms rather than purely contemporary security concerns. This observation suggests that Kazakhstan's approach is not an isolated case but part of a regional trend in which governments maintain tight control over religious life to reinforce state authority. However, this argument does not fully account for variations within the region. For instance, Uzbekistan has recently introduced limited religious reforms, signalling a shift away from rigid Soviet-era policies. This divergence raises critical questions: Is Kazakhstan's strict regulatory approach sustainable in the long term, or will it face increasing pressure to align with international human rights standards? If the latter, what would be the implications for its broader governance model? Addressing these questions requires not only legal adjustments but also a fundamental reassessment of the role religion plays in Kazakhstan's national identity and political landscape.

Legal restrictions on religious identity in Kazakhstan raise concerns about the long-term effects of state-backed religious narratives. A. Zakhay *et al.* (2022) highlight how state-supported interpretations of traditional Islam shape public perceptions, reinforcing official legitimacy while excluding non-conforming groups. While the government justifies this as a measure to ensure unity and prevent extremism, such policies risk fostering religious fragmentation rather than cohesion.

This pattern aligns with P. Mazurkiewicz (2021), who argues that governments often use crises to impose additional religious restrictions, strengthening state control rather than addressing social tensions. Kazakhstan's promotion of a state-approved version of Islam serves both as a tool against extremism and a means of regulating religious discourse. However, restricting the natural evolution of religious identity may unintentionally encourage underground religious movements.

Compared to the United Kingdom's Equality Act (2010), which ensures equal protection for all religious groups, Kazakhstan's framework structurally disadvantages

non-traditional religious communities. This contrast raises critical questions about the sustainability of Kazakhstan's religious policies and whether future reforms will be necessary to promote a more pluralistic and inclusive approach. Balancing national security with religious freedom remains an ongoing challenge in shaping Kazakhstan's governance of religion.

M.A. Nasir (2022), and P. Suyaman and T.F. Alfian (2022) explore how legal frameworks accommodate or restrict interfaith marriages and religious conversions in Indonesia, offering insights into the broader debate on legal autonomy for religious communities. While Indonesia's approach reflects tensions between religious doctrine and secular legal principles, Kazakhstan's system presents a different challenge – one where state approval is required for religious institutions to function, restricting their operational flexibility. This raises the question of whether Kazakhstan's model effectively balances religious freedom with governance or if it primarily serves as a tool for state control.

J. Fox and R. Finke (2021) emphasise that institutional autonomy is fundamental to religious freedom, yet Kazakhstan's rigid regulatory structure contradicts this principle by imposing administrative barriers that limit religious self-governance. While some argue that these restrictions are necessary for maintaining social stability and preventing extremism, comparative research suggests that excessive state interference can instead weaken religious institutions, driving some groups toward unofficial or underground practices. Unlike Indonesia, where interfaith marriages and conversions are regulated through religious and civil law interactions, Kazakhstan's restrictions extend beyond personal religious choices to institutional control, limiting religious communities' ability to function independently. While Indonesia's model demonstrates the complexities of balancing secular law with religious identity, Kazakhstan's approach leans more heavily on state-imposed constraints, potentially undermining the principles of religious pluralism and self-determination. This contrast suggests that Kazakhstan may need to reassess its legal framework to align more closely with international norms while maintaining its commitment to stability and social cohesion.

Differences in the socio-political context explain many of these divergences. For example, the comparative study by A. Zhanat *et al.* (2023) on Kazakhstan and Malaysia revealed that the former's historical emphasis on state control contrasts sharply with Malaysia's accommodation of diverse religious practices. This distinction underscores the need for Kazakhstan to consider alternative models that prioritise inclusivity. The findings support the recommendations of N. Seitakhmetova *et al.* (2024), who argued for youth-focused initiatives to counteract religious extremism. Integrating education programs that promote critical thinking and tolerance can mitigate the risks associated with radicalisation. J. Fox and R. Finke (2021) emphasised the role of institutional freedoms in safeguarding individual rights, providing a theoretical framework for evaluating religious regulation. Their research concluded that institutional protections for religious freedom are crucial for maintaining a balance between state authority and individual rights. They found that countries with strong institutional frameworks tend to have lower levels of religious discrimination and greater societal stability. Furthermore, they highlighted those restrictive religious policies often lead to unintended consequences, such as social unrest and increased polarisation.

The importance of institutional safeguards in religious governance becomes evident when analysing the legal inconsistencies and discretionary enforcement practices that hinder religious pluralism in Kazakhstan. Kazakhstan's approach aims to ensure stability, the resulting uncertainty for religious organisations seeking registration suggests that restrictive measures may generate administrative burdens rather than effectively balancing security and religious freedom. A further comparative analysis underscores that countries with stronger institutional protections for religious freedoms but also foster trust between religious organisations and the state, ultimately contributing to greater legal consistency and societal cohesion.

The emphasis on preserving religious freedoms during crises, as discussed by P. Mazurkiewicz (2021), is particularly relevant in the context of Kazakhstan. Our research corroborates the view that emergency measures should not disproportionately restrict religious practices, as this can exacerbate societal tensions. Finally, the cultural dimensions of religious regulation explored by E. Leach and J. Gore (2022) highlight the need for Kazakhstan to address cultural biases in policy implementation. Ensuring equitable treatment of all religious communities can foster social cohesion and reduce instances of discrimination.

The securitisation of religion remains a core element of Kazakhstan's regulatory policies, reflecting broader regional trends. Research on religious fundamentalism and extremism demonstrates how fears of radicalisation justify strict state-imposed restrictions (Das, 2022; Makhamatjanovich, 2023). However, the effectiveness of such measures is debatable, as excessive control may drive religious activities underground, making them more difficult to monitor. Similarly, the COVID-19 pandemic highlighted the intersection of religion and public health, offering insights into crisis-driven regulatory interventions (Winiger & Peng-Keller, 2021). Kazakhstan's response, which included restrictions on public worship, mirrored global trends but also exposed pre-existing structural constraints on religious freedom.

The dynamics of religious transformation further reveal how state intervention influences the development of non-traditional religious groups (Indelicato & Martín, 2025). While Kazakhstan justifies its strict oversight as a means to regulate religious expansion, comparisons with extremist movements highlight the unintended consequences of overregulation – namely, the radicalisation of religious groups due to perceived state oppression. In contrast, more liberal models, such as those in Western Europe, focus on countering extremism through community engagement rather than restrictive legal measures (Jugl *et al.*, 2021).

Kazakhstan's national strategy emphasises countering youth radicalisation through strict regulation of religious education (Seitakhmetova *et al.*, 2024). While this approach aligns with security priorities, it also raises concerns regarding academic freedom and the right to religious instruction. Additionally, the correlation between religious and secular values in Kazakhstan provides insights into how regulatory frameworks shape public attitudes toward religion (Abdikakimov & Karibaev, 2024). Although the state seeks to promote a unified national identity through religious governance, overregulation risks alienating certain religious groups and undermining public trust in government institutions.

Given these findings, legal reforms in Kazakhstan should focus on reducing discretionary enforcement, clarifying legal definitions, and ensuring that registration processes do not serve as de facto mechanisms of exclusion. Strengthening institutional safeguards through independent judicial oversight and transparent administrative procedures could create a more balanced religious regulatory environment. A shift toward aligning national policies with international human rights norms would not only enhance religious freedoms but also foster trust between religious organisations and the state, ultimately contributing to greater legal consistency and societal cohesion.

The emphasis on preserving religious freedoms during crises, as discussed by P. Mazurkiewicz (2021), is particularly relevant in the context of Kazakhstan. Our research corroborates the view that emergency measures should not disproportionately restrict religious practices, as this can exacerbate societal tensions. Finally, the cultural dimensions of religious regulation explored by E. Leach and J. Gore (2022) highlight the need for Kazakhstan to address cultural biases in policy implementation. Ensuring equitable treatment of all religious communities can foster social cohesion and reduce instances of discrimination.

In summary, the findings of this study contribute to the broader discourse on state-religion relations, offering insights that are both specific to Kazakhstan and relevant to other post-Soviet contexts. By fostering dialogue among policymakers, religious leaders, and civil society, Kazakhstan can continue to refine its approach, ensuring that its policies reflect both its constitutional principles and the diverse needs of its citizens.

Conclusions

This study systematically analysed the legal regulation of religious activities in Kazakhstan, evaluating its alignment with constitutional and international human rights standards, assessing its societal implications, and proposing recommendations for improving governance in this area. Through a detailed examination of national legislation, including the Law of the Republic of Kazakhstan No. 483-IV, and a comparative analysis of regulatory frameworks in Central Asian and European countries, the research successfully identified key inconsistencies and challenges within Kazakhstan's legal framework.

The findings reveal that while Kazakhstan's legal provisions formally recognise religious freedom, their implementation often imposes administrative and procedural barriers that disproportionately affect minority religious communities. The mandatory registration requirement, as well as restrictions on public religious activities, have led to cases where religious organisations, such as Jehovah's Witnesses, the Ahmadiyya Muslim community, and the Baptist Church, faced legal sanctions or operational limitations. These regulatory mechanisms, while officially intended to maintain public order and security, have raised concerns about their proportionality and compliance with international human rights norms, particularly those outlined in the ICCPR and OSCE guidelines.

The research highlights the need for legislative and institutional reforms to address these challenges. A critical recommendation is the revision of the Law of the Republic of Kazakhstan No. 483-IV to ensure greater clarity in legal definitions, reduce excessive administrative control, and

provide a more transparent and equitable registration process. The study also emphasises the importance of fostering trust between religious communities and the state, as restrictive policies have been shown to increase social alienation and limit religious pluralism. Aligning domestic legislation with international commitments will not only strengthen religious freedom but also contribute to social stability and governance effectiveness.

Future research should focus on assessing the long-term impact of legislative changes on religious pluralism and social cohesion in Kazakhstan. Further studies should explore the potential of decentralised regulatory approaches, evaluate the role of public perception in shaping religious policy, and analyse the effectiveness of international human rights mechanisms in promoting legal compliance. By addressing these aspects, ongoing research can contribute to the

development of a more balanced, rights-respecting approach to religious regulation in Kazakhstan.

Acknowledgements

None.

Funding

This research was funded by the Committee of Science of the Ministry of Science and Higher Education of the Republic of Kazakhstan (Grant No. BR21882428 “The influence and prospects of Islam as a spiritual, cultural, political, and social phenomenon in postnormal times: the experience of the countries of the Middle East and Central Asia”).

Conflict of interest

None.

References

- [1] 2019 Report on International Religious Freedom. (2020). Retrieved from <https://www.state.gov/reports/2019-report-on-international-religious-freedom/>.
- [2] 2022 Report on International Religious Freedom: Kazakhstan. (2023). Retrieved from <https://www.state.gov/reports/2022-report-on-international-religious-freedom/kazakhstan/>.
- [3] 2023 Report on International Religious Freedom: Kazakhstan. (2024). Retrieved from <https://www.state.gov/reports/2023-report-on-international-religious-freedom/kazakhstan/>.
- [4] Abdikakimov, M., & Karibaev, M. (2024). Correlation of religious and secular values in Kazakhstan society. *Journal of Psychology and Sociology*, 88(1), 110-125. doi: 10.26577/jpps.2024.v88.i1.09.
- [5] Achilov, D. (2012). Islamic education in Central Asia: Evidence from Kazakhstan. *Asia Policy*, 1(1), 79-106. doi: 10.1353/asp.2012.0024.
- [6] Akhantayeva, S., & Mussabekova, A. (2024). Religious extremism and terrorism in Central Asia: An overview of radical groups. *Journal of Central Asian Studies*, 96(4), 54-68. doi: 10.52536/3006-807x.2024-4.004.
- [7] Allès, D. (2021). Religion and international security: From confessionalisation to securitisation. In J. Haynes (Ed.), *Handbook on religion and international relations* (pp. 100-114). Cheltenham: Edward Elgar Publishing. doi: 10.4337/9781839100246.00013.
- [8] Almasovich, A.M., & Zhalgas, A. (2022). The current condition of the religious sphere in Kazakhstan. *Islamic Studies*, 61(2), 215-231. doi: 10.52541/isiri.v61i2.2360.
- [9] Amnesty International. (2019). *Kazakhstan: Fundamental freedoms under pressure*. Retrieved from <https://www.amnesty.org/fr/wp-content/uploads/2021/05/EUR5705022019ENGLISH.pdf>.
- [10] Baitenova, N., Meirbayev, B., & Baizhuma, S. (2021). Trends in the development of the religious situation in the post-secular society of Kazakhstan over the years of independence. *KazNU Bulletin, Religious Studies Series*, 26(2), 4-9. doi: 10.52541/isiri.v61i2.2360.
- [11] Basic Law for the Federal Republic of Germany. (1949, May). Retrieved from <https://www.gesetze-im-internet.de/gg/GG.pdf>.
- [12] Brady, I.N. (2015). *Religious freedom in Kazakhstan: Legal framework and challenges*. *Regent Journal of Global Justice and Public Policy*, 1, 227-246.
- [13] Buribayev, Y., Turlykhankyzy, K., Kalkayeva, N., Shakenov, D., & Khamzina, Z. (2024). Strategic development and comprehensive guidelines for state policy in Kazakhstan's religious sphere. *International Journal of Religion*, 5(3), 40-51. doi: 10.61707/77nmvb36.
- [14] Code of the Republic of Kazakhstan on Administrative Infractions. (2014, July). Retrieved from <https://adilet.zan.kz/eng/docs/K1400000235>.
- [15] Constitution of the Republic of Kazakhstan. (1995, August). Retrieved from <https://adilet.zan.kz/eng/docs/K950001000>.
- [16] Corley, F., & Kinahan, J. (2022). *Kazakhstan: Religious freedom survey, June 2022*. Retrieved from https://www.forum18.org/archive.php?article_id=2753.
- [17] Court refuses to register Ahmadiyya Muslim Community in Kazakhstan. (2013). Retrieved from <https://www.rabwah.net/court-refuses-to-register-ahmadiyya-muslim-community-in-kazakhstan/>.
- [18] Das, S.P. (2022). Religious orthodoxy and terrorism. In *Economics of terrorism and counter-terrorism measures: History, theory, and evidence* (pp. 525-548). Cham: Springer. doi: 10.1007/978-3-030-96577-8_14.
- [19] Directive of the Council of European Union No. 2000/78/EC “Establishing a General Framework for Equal Treatment in Employment and Occupation”. (2000, November). Retrieved from <https://eur-lex.europa.eu/eli/dir/2000/78/oj/eng>.
- [20] Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE. (1990, June). Retrieved from <https://www.osce.org/odihr/elections/14304>.
- [21] Equality Act 2010. (2010, April). Retrieved from <https://www.legislation.gov.uk/ukpga/2010/15/contents>.
- [22] European Convention on Human Rights. (1950, November). Retrieved from <https://www.echr.coe.int/european-convention-on-human-rights>.
- [23] Finke, R. (2024). Cross-national research on religious freedom: Charting a research agenda. In O. Breskaya, R. Finke & G. Giordan (Eds.), *Religion between governance and freedoms* (pp. 15-30). Cham: Springer. doi: 10.1007/978-3-031-69880-4_2.

- [24] Fox, J., & Finke, R. (2021). Ensuring individual rights through institutional freedoms: The role of religious institutions in securing religious rights. *Religions*, 12(4), article number 273. doi: 10.3390/rel12040273.
- [25] Gamza, D., & Jones, P. (2021). The evolution of religious regulation in Central Asia, 1991-2018. *Central Asian Survey*, 40(2), 197-221. doi: 10.1080/02634937.2020.1836477.
- [26] Horák, S., & Polese, A. (2016). Personality cults and nation-building in Turkmenistan 1, 2. In R. Isaacs & A. Polese (Eds.), *Nation-building and identity in the post-soviet space: New tools and approaches* (pp. 159-175). London: Routledge. doi: 10.4324/9781315597386.
- [27] Hurd, N. (2017). *Religious freedom in Kazakhstan: The case of Teymur Akhmedov*. Retrieved from <https://www.csce.gov/articles/religious-freedom-kazakhstan-case-teymur-akhmedov>.
- [28] Indelicato, A., & Martín, J.C. (2025). Exploring the interplay between religion, tolerance, fundamentalism, and attitudes towards immigrants: A semi-automatic literature review. *Social Identities*, 31(3), 294-316. doi: 10.1080/13504630.2025.2453158.
- [29] International Center for Not-for-Profit Law. (2025). *Kazakhstan*. Retrieved from <https://www.icnl.org/our-work/kazakhstan>.
- [30] International Covenant on Civil and Political Rights. (1966, December). Retrieved from <https://www.ohchr.org/sites/default/files/ccpr.pdf>.
- [31] Iskakova, I., Sopyhanova, A., Rakhimgulova, M., Otambaeva, A., Saitova, E., & Kussainova, L. (2023). Legal regulation of the activities of religious associations: Issues of theory and practice. *Journal of Law and Sustainable Development*, 11(5), article number e728. doi: 10.55908/sdgs.v11i5.728.
- [32] Jugl, I., Bender, D., & Lösel, F. (2021). Left-wing extremist violence: Risk and protective factors in a targeted sample of potential extremists. *Monthly Journal of Criminology and Criminal Law Reform*, 104(3), 243-258. doi: 10.1515/mks-2021-0125.
- [33] Kaye, D., UN. Human Rights Council, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, & UN Human Rights Council Secretariat. (2016). *Report of the Special Rapporteur on the Promotion and Protection of the Right to freedom of opinion and expression: Note/by the Secretariat*. Retrieved from <https://digitallibrary.un.org/record/842541>.
- [34] Kazakhstan suspends activity of Witnesses' national headquarters. (2017). Retrieved from <https://www.jw.org/en/news/region/kazakhstan/court-suspends-activity-national-headquarters-jehovahs-witnesses/>.
- [35] Kazakhstan. Events of 2022. (2022). Retrieved from <https://www.hrw.org/world-report/2023/country-chapters/kazakhstan>.
- [36] Kazakhstan's human rights record to be examined by Universal Periodic Review. (2025, January). Retrieved from <https://www.ohchr.org/en/press-releases/2025/01/kazakhstans-human-rights-record-be-examined-universal-periodic-review>.
- [37] Kopan, O., & Melnyk, V. (2024). International experience in mobilising mechanisms to combat organised crime. *Law Journal of the National Academy of Internal Affairs*, 14(4), 9-22. doi: 10.56215/naia-chasopis/4.2024.09.
- [38] Law of the Republic of Kazakhstan No. 1128-XII "On Freedom of Religion and Religious Associations". (1992, January). Retrieved from <https://adilet.zan.kz/rus/docs/Z920004000>.
- [39] Law of the Republic of Kazakhstan No. 483-IV "On Religious Activities and Religious Associations". (2011, October). Retrieved from <https://adilet.zan.kz/eng/docs/Z1100000483>.
- [40] Law of Turkmenistan No. 199-II "On Freedom of Religion and Religious Organisations". (2003, October). Retrieved from https://continent-online.com/Document/?doc_id=31338966#pos=0;0.
- [41] Leach, E., & Gore, J. (2022). Culture, religion, and homonegativity: A multi-level analysis. *Mental Health, Religion & Culture*, 25(1), 85-98. doi: 10.1080/13674676.2022.2027353.
- [42] Levchenko, A. (2023). *Does Kazakhstan need to cancel registration of religious associations?* Retrieved from <https://cabar.asia/en/does-kazakhstan-need-to-cancel-registration-of-religious-associations>.
- [43] Majeed, N., Hilal, A., & Khan, A.N. (2023). Doctrinal research in law: Meaning, scope and methodology. *Bulletin of Business and Economics*, 12(4), 559-563. <https://doi.org/10.61506/01.00167>
- [44] Makhmatjanovich, M.D. (2023). *Religious extremism as an intensive ideological threat*. *European Journal of Business Startups and Open Society*, 3(3), 63-66.
- [45] Mazurkiewicz, P. (2021). Religious freedom in the time of the pandemic. *Religions*, 12(2), article number 103. doi: 10.3390/rel12020103.
- [46] Nasir, M.A. (2022). Negotiating muslim interfaith marriage in Indonesia: Integration and conflict in Islamic law. *Mazahib Journal of Islamic Legal Thought*, 21(2), 155-186. doi: 10.21093/mj.v21i2.5436.
- [47] OSCE Office for Democratic Institutions and Human Rights. (2019). *Freedom of religion or belief and security: Policy guidance*. Retrieved from <https://www.osce.org/odihr/429389>.
- [48] OSCE/ODIHR guidelines on registration and recognition of religious communities. (2016). Retrieved from <https://www.scientologyreligion.org/blog/osce-odihr-guidelines-on-registration-and-recognition-of-religious-communities.html>.
- [49] Otynschiyeva, A.A., Ibrayeva, A.S., Castellino, J., Baimakhanova, D.M., & Baikenzheyev, A.S. (2019). International and legal aspects of citizenship on the basis of analysis of the legislation in Kazakhstan and Great Britain. *International Journal of Public Law and Policy*, 6(2), 138-154. doi: 10.1504/IJPLAP.2019.097539.
- [50] Parkhomenko, N. (2023). Instrumentalism of Law-making in the context of the functioning of the modern state. *Scientific Journal of the National Academy of Internal Affairs*, 28(3), 9-16. doi: 10.56215/naia-herald/3.2023.09.
- [51] Raibyaev, D.K. (2015). *Legal groundwork for preventing religious extremism in the Kazakhstan Republic*. *Journal of Advanced Research in Law and Economics*, 6(1), 169-176.
- [52] Resolution of the Government of the Republic of Kazakhstan No. 236 "On Amendments and Supplements to Certain Decisions of the Government of the Republic of Kazakhstan and Orders of the Prime Minister of the Republic of Kazakhstan". (2023, March). Retrieved from <https://adilet.zan.kz/rus/docs/P2300000236#z272>.

- [53] Resolution of the Government of the Republic of Kazakhstan No. 953 “On Approval of the Comprehensive Plan for the Implementation of State Policy in the Religious Sphere of the Republic of Kazakhstan for 2021-2023”. (2020, December). Retrieved from <https://adilet.zan.kz/rus/docs/P2000000953>.
- [54] Saparbekova, E.K., Smanova, A.B., Makhambetsaliyev, D.B., Nessipbaeva, I.S., & Nussipova, L.B. (2024). Comparative analysis of the concept of constitutional judicial law-making in the United States of America and Kazakhstan. *International Journal for the Semiotics of Law*, 38(2), 603-617. doi: 10.1007/s11196-024-10138-y.
- [55] Seitakhmetova, N., Aliyarov, E., Zhandossova, S., Tolen, Z., & Nurov, M. (2024). [Counteracting religious extremism in youth environments: World experience and Kazakhstan](#). *Journal of Social Studies Education Research*, 15(3), 257-288.
- [56] Shaykhutdinov, R. (2024). Religion and subnational public policy: accommodation of minority religious practices in the post-communist Muslim republics. In C.N. Avellaneda & R.A. Bello-Gómez (Eds.), *Handbook on subnational governments and governance* (pp. 232-247). Cheltenham: Edward Elgar Publishing. doi: 10.4337/9781803925370.00025.
- [57] Sobirovich, T. (2025). New Uzbekistan and political reform: The role of National strategies in strengthening governance. *Indonesian Journal of Public Administration Review*, 2(2), article number 12. doi: 10.47134/par.v2i2.3753.
- [58] Sopelnyk, I. (2025). The essence of human rights and the transformation of their protection mechanisms. *Law. Human. Environment*, 16(1), 122-146. doi: 10.31548/law/1.2025.122.
- [59] Suyaman, P., & Alfiany, T.F. (2022). Polemics of interfaith marriage reviewed from the perspectives of marriage law and the compilations of Islamic law. *KnE Social Sciences*, 7(15), 537-549. doi: 10.18502/kss.v7i15.12129.
- [60] Temperman, J. (2010). Secularism & Separation of State and Religion. In *State-religion relationships and human rights law* (pp. 111-137). Leiden: Brill. doi: 10.1163/ej.9789004181489.i-382.31.
- [61] Turemuratov, O., Byulegenova, B., Pogodin, S., Onuchko, M., & Nurtazina, R. (2024). Urbanisation trends in Central Asian countries: Aspects of extensive and intensive agglomeration growth. *Public Organisation Review*, 24(3), 963-986. doi: 10.1007/s11115-024-00766-0.
- [62] U.S. Commission on International Religious Freedom. (2022). *2022 Annual Report. United States commission on international religious freedom*. Retrieved from <https://www.uscifr.gov/sites/default/files/2022-05/2022%20Kazakhstan.pdf>.
- [63] Umarov, M. (2021). [The beginning of religious reforms in independent Uzbekistan and the changes being implemented](#). *ACADEMICIA: An International Multidisciplinary Research Journal*, 11(11), 477-481.
- [64] United States Commission on International Religious Freedom. (2022). *Issue update: Kazakhstan’s religion law amendments*. Retrieved from <https://www.uscifr.gov/sites/default/files/2022-12/2022%20Kazakhstan%20Update%20on%20Amendments%20Issue%20Update.pdf>.
- [65] Universal Declaration of Human Rights. (1948, December). Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- [66] Winiger, F., & Peng-Keller, S. (2021). Religion and the World Health Organization: An evolving relationship. *BMJ Global Health*, 6(4), article number e004073. doi: 10.1136/bmjgh-2020-004073.
- [67] Zakhay, A., Tyshkhan, K., & Shamakhay, S. (2022). The problem of the traditional view of Islam in Kazakhstan. *Journal of Spirituality in Mental Health*, 26(1), 1-11. doi: 10.1080/19349637.2022.2132896.
- [68] Zhanat, A., Tutinova, N., Kairat, Z., Galiya, S., Kudayberdi, B., & Maxat, M. (2023). Peculiarities of Kazakhstan and Malaysia in view of the relationship between state and religion. *Journal of Islamic Thought and Civilisation*, 13(1), 75-88. doi: 10.32350/jitc.131.06.

Баланс свободи та контролю: Сучасне правове регулювання релігійної діяльності в Казахстані

Єрмек Бурібаєв

Доктор юридичних наук, професор
Жетісуський університет імені І. Жансугурова
040009, вул. Жансугурова, 187А, м. Талдикорган, Республіка Казахстан
<https://orcid.org/0000-0003-0433-596X>

Куралай Турлиханкизи

Доктор юридичних наук, професор
Казахський національний педагогічний університет імені Абая
050010, просп. Достик, 13, м. Алмати, Республіка Казахстан
<https://orcid.org/0000-0003-1075-6891>

Несібелі Калкаєва

Кандидат юридичних наук, доцент
Казахський національний педагогічний університет імені Абая
050010, просп. Достик, 13, м. Алмати, Республіка Казахстан
<https://orcid.org/0000-0001-8109-2004>

Жанна Хамзіна

Доктор юридичних наук, професор
Казахський національний педагогічний університет імені Абая
050010, просп. Достик, 13, м. Алмати, Республіка Казахстан
<https://orcid.org/0000-0003-0913-2002>

Анотація. Регулювання релігійної діяльності в сучасному Казахстані є критично важливим питанням, яке формується під впливом взаємодії між забезпеченням свободи релігії та збереженням державного контролю. Це дослідження мало на меті проаналізувати нормативно-правову базу, що регулює релігійну діяльність у Казахстані, з особливим акцентом на її відповідність міжнародним стандартам у сфері прав людини та внутрішній соціально-політичній динаміці. Використовуючи правовий аналіз, порівняльні методи та аналіз конкретних ситуацій, вивчено законодавство країни та його практичні наслідки для релігійних громад. Дослідження показало, що правова база Казахстану накладає значні обмеження на релігійні свободи, включаючи обов'язкову реєстрацію релігійних об'єднань, обмеження на публічні богослужіння і широкий державний нагляд. Ці заходи часто непропорційно впливають на релігійні меншини, викликаючи занепокоєння щодо дискримінації та перешкод для релігійного плюралізму. Незважаючи на конституційні гарантії релігійної свободи в Казахстані, виконання законів часто суперечить міжнародним зобов'язанням країни за такими договорами, як Міжнародний пакт про громадянські і політичні права та зобов'язання в рамках Організації з безпеки і співробітництва в Європі. Тематичні дослідження релігійних громад, включаючи Свідків Єгови, мусульманську громаду Ахмадія та Баптистську церкву, ще більше проілюстрували практичні проблеми, пов'язані з існуючими нормативно-правовими актами. Ці випадки висвітлили такі проблеми, як адміністративне свавілля, дискримінаційні процеси реєстрації та маргіналізація нетрадиційних релігійних груп. Висновки підкреслили необхідність законодавчих реформ, спрямованих на усунення двозначностей, гармонізацію національного законодавства з міжнародними стандартами та створення більш інклюзивного середовища для релігійних громад. Це дослідження є внеском у ширший дискурс про релігійне регулювання, пропонуючи практичні висновки для політиків, юристів та правозахисників. Розглядаючи напруженість між державним управлінням і релігійною свободою, дослідження закладає основу для майбутніх реформ, спрямованих на досягнення балансу між суспільною стабільністю та захистом фундаментальних прав людини.

Ключові слова: релігійна політика; правове регулювання; свобода віросповідання; правозастосовна практика; релігійні об'єднання; законодавчі реформи