ABSTRACT

of the doctoral dissertation on the topic: "Legal regulation of insurance activities: national and international experience", submitted for the degree of Doctor of Philosophy (PhD) in the educational program "8D04203 – Jurisprudence", by
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General Characteristics of the Dissertation. The dissertation research is devoted to a comprehensive analysis of national and international experience in the legal regulation of insurance activities. In the context of interaction between the national legal system and international practice, the study is aimed at assessing the current state of legal regulation of insurance activities and improving it. The dissertation makes it possible to determine the content, structure, and place of insurance law as an important branch of legal science within the system of law.

The relevance of the research topic is determined by the need for effective legal regulation of insurance activities due to their increasing role in the modern economy. The insurance system, being an important instrument for ensuring economic stability, serves as one of the mechanisms for risk management. In this regard, particular importance is attached to improving the legal regulation of insurance activities, introducing international standards, and modernizing national legislation.

The dissertation provides a comprehensive examination of the legal nature of insurance activities, their content, and specific features. The author analyzes the content of the concepts of "insurance," "insurance activity," and "insurance legal relations," reveals their legal essence, and identifies the main principles and methods of legal regulation of insurance activities.

The study analyzes the stages of formation and development of insurance legislation in the Republic of Kazakhstan. Existing legal regulatory mechanisms are examined and their effectiveness is assessed. Legal and institutional problems hindering the development of the insurance market are identified, and ways to address them are proposed.

A significant part of the research is devoted to the analysis of international experience. The author studies models of legal regulation of insurance activities in developed countries, identifying their advantages and specific features. Based on comparative legal analysis, the possibilities of adapting international experience to the national legal system are considered.

The dissertation also examines the correlation between national and international legal norms, as well as issues of their harmonization. It is substantiated that the implementation of international standards contributes to increasing the competitiveness of the insurance market and ensuring its sustainable development.

Degree of Development of the Research Topic. A number of scientific works have been devoted to the problems of legal regulation of insurance activities. In the domestic legal science, a significant contribution to the study of this field was made

by such scholars as M.G. Alimzhanova, M.M. Kaliyev, K.M. Kozhabek, N.B. Mynbayeva, M. Ospanov, A.A. Seitzhanov, B.O. Sman, A.I. Khudyakov, and others.

In addition, the issues of legal regulation of insurance activities have been comprehensively studied and theoretically substantiated in the works of Russian legal scholars, including V.A. Belov, K.S. Belsky, V.N. Girev, B.Yu. Dorofeeva, N.I. Khimicheva, A.K. Shikhov, and others.

The economic essence of insurance activities has been thoroughly analyzed in the works of K. Altynbekuly, U.B. Baimuratov, A.M. Godin, K.K. Zhuyrikov, Yu.M. Zhuravlev, S.L. Efimov, E.Sh. Kachalova, K.E. Kubayev, O.E. Ler, L.A. Motylev, V.D. Melnikov, A.K. Sembekov, O.K. Shedenov, and other scholars.

At the same time, the issues of comprehensive and comparative legal research into the national and international aspects of the legal regulation of insurance activities have not been sufficiently studied and require further scientific analysis.

The object of the dissertation research is the social relations arising in the field of legal regulation of insurance activities, namely the functioning of the insurance system within the framework of national and international law, as well as legal relations formed in the process of its organization and development.

The subject of the dissertation research includes scholarly works devoted to issues of legal regulation of insurance activities, legal norms governing social relations in the insurance sector, provisions of national legislation, international legal acts and standards, as well as the legislation of foreign states and statistical data characterizing the development indicators of the insurance market.

Purpose and Objectives of the Dissertation Research. The purpose of the dissertation research is, on the basis of a comprehensive analysis of national and international experience in the legal regulation of insurance activities, to determine its theoretical and legal foundations, to assess the effectiveness of existing regulatory mechanisms, and to develop scientifically grounded proposals for their improvement.

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

- analysis of the legal and economic content of insurance;
- determination of the legal nature, essence, and place of insurance activity within the legal system;
- analysis of the subjects and objects of insurance legal relations;
- determination of the principles of legal regulation of insurance activity, examination of their legal nature, and formulation of proposals for their consolidation in the current legislation;
- study of the stages of formation and development of the insurance legislation of the Republic of Kazakhstan;
- examination of the legal mechanisms of state regulation of insurance activity and assessment of their effectiveness;
- analysis of the main models of legal regulation of insurance activity in foreign countries;
- determination of the correlation between national and international legal norms and examination of issues of their harmonization;

- development of scientifically grounded proposals for improving the legal regulation of insurance activity and its digital transformation.

The methodological basis of the dissertation research consists of a set of general scientific and special legal methods for studying social relations in the field of legal regulation of insurance activities. In particular, the historical-legal method, the method of formal-logical analysis, the modeling method, as well as the method of system analysis, which allows for a comprehensive and systematic consideration of the object of research, were applied. In addition, the method of argumentation and other general scientific methods — analysis, synthesis, induction, deduction, as well as a complex of special legal methods — were used.

The normative basis of the dissertation research consists of the Constitution of the Republic of Kazakhstan, the insurance legislation of the Republic of Kazakhstan, as well as the norms of other branches of law of the Republic of Kazakhstan aimed at regulating financial and insurance legal relations, and international treaties and agreements ratified by the Republic of Kazakhstan.

Empirical Basis of the Dissertation Research. The empirical basis of the dissertation research consists of specific data and materials characterizing law enforcement practice in the field of legal regulation of insurance activities. In the course of the research, official statistical data reflecting the development indicators of the insurance market of the Republic of Kazakhstan were widely used, including reports and analytical materials of the National Bank of the Republic of Kazakhstan, the Agency for Regulation and Development of the Financial Market, as well as other authorized state bodies.

In addition, in order to assess the effectiveness of legal regulatory mechanisms in the field of insurance activities, materials of judicial practice were analyzed, in particular court decisions on insurance disputes and law enforcement practice. Special attention was paid to established legal positions on issues related to insurance contracts, the implementation of insurance payments, and the liability of insurance organizations.

Main Provisions Submitted for Defense (Proven Scientific Hypotheses and Other Findings Constituting New Knowledge):

1. Insurance is a system of financial and legal relations based on the principle of risk distribution and carried out by insurance organizations for the purpose of protecting the socio-economic, property, and personal rights and legitimate interests of individuals, including human rights. It предусматривает the formation of special monetary funds through insurance premiums and the provision of payments from these funds in the form of compensation for damage caused or other material support upon the occurrence of an insured event.

2. Insurance activity is a type of professional financial and legal activity carried out by insurance organizations and other authorized entities, based on the principles of assessment and distribution of insurance risks, aimed at protecting the property, personal, and social rights and legitimate interests of individuals and legal entities, including human rights, through the conclusion of insurance contracts, accumulation of insurance premiums (contributions), formation and management of insurance

funds, as well as the provision of insurance payments upon the occurrence of an insured event.

3. It is necessary to introduce a system of fundamental insurance principles into insurance legislation. This system includes general and special principles that define the basic foundations and essence of insurance legislation. 1) General principles: legality, transparency, and organizational unity. 2) Special principles: good faith, equivalence, compensation for caused damage, and protection of the weaker party.

4. As an important direction for the systematization of insurance legislation, the issue of adopting the Insurance Code of the Republic of Kazakhstan acquires both scientific and practical relevance. Legal codification would make it possible to systematically unify legal norms, ensure the internal consistency of legal regulation, and enhance the stability of law enforcement practice.

5. It is proposed to include the term "insurance culture" in Article 3 of the Law of the Republic of Kazakhstan "On Insurance Activity" entitled "Basic Concepts Used in this Law."

"Insurance culture is an integral part of legal culture that characterizes the level of knowledge of the subjects of insurance legal relations regarding insurance legislation, the exercise of their insurance rights, and the conscientious fulfillment of insurance obligations."

6. It is proposed to introduce amendments and additions to Article 3 of the Law of the Republic of Kazakhstan "On Insurance Activity" entitled "Basic Concepts Used in this Law" by supplementing it with the concept of "digital insurance."

"Digital insurance is a form of organization of insurance activity in which the conclusion, administration, and execution of an insurance contract are carried out through digital technologies and automated information systems that ensure electronic interaction between the subjects of insurance legal relations, data processing, and the remote provision of insurance services."

7. It has been substantiated that the legal regulation of insurance activity is carried out on the basis of the interaction between national and international legal norms. It has been established that the implementation of international standards into national legislation contributes to ensuring the stability of the insurance market, increasing its competitiveness, and enhancing the effectiveness of legal regulation. In this regard, the necessity of harmonizing national insurance legislation with international requirements has been formulated.

Description of the Main Research Results. In the course of the research, the legal nature and essence of insurance were comprehensively disclosed, and the author's definition of insurance as a socio-economic and legal institution was proposed. In addition, the content of insurance activity was clarified, and its features as a professional financial and legal activity were systematized.

As a result of the research, the necessity of improving the fundamental principles of insurance legislation was substantiated, and a system of insurance principles, including general and special principles, was proposed. The scientific and practical significance of adopting the Insurance Code of the Republic of Kazakhstan for the purpose of systematizing insurance legislation was also determined.

The dissertation develops proposals for improving the conceptual framework in the field of insurance. In particular, the necessity of introducing the concepts of "insurance culture" and "digital insurance" into the Law of the Republic of Kazakhstan "On Insurance Activity" was substantiated, and the author's definitions of these concepts were proposed.

The research also proved that the legal regulation of insurance activity is carried out on the basis of the interaction between national and international legal norms. It was established that the implementation of international standards into national legislation contributes to ensuring the stability of the insurance market, increasing its competitiveness, and enhancing the effectiveness of legal regulation.

Scientific Novelty of the Research. The scientific novelty of the research is reflected in the development of specific proposals aimed at improving the legal regulation of insurance activities. In particular, proposals have been formulated for improving insurance legislation, introducing international experience, and developing effective legal mechanisms for regulating insurance activities.

Theoretical and Practical Significance of the Dissertation Research. The results of the study may serve as a scientific basis for the development of insurance law theory, the advancement of financial law, and the formation of modern approaches to legal regulation.The practical significance of the research is determined by the possibility of applying the conclusions and recommendations proposed in the dissertation in the process of improving the legal regulation of insurance activities. In particular, the research findings may be used in law-making activities, in the practical work of authorized state bodies, in the legal support of insurance organizations, as well as in the improvement of insurance legislation in the Republic of Kazakhstan. In addition, the theoretical results of the dissertation may be applied in the educational process of higher education institutions, in the development of teaching and methodological materials, and in further research activities.

Compliance with the Directions of Scientific Development and State Programs. The dissertation research was carried out in accordance with the priority directions defined in the Addresses of the President of the Republic of Kazakhstan to the people of Kazakhstan, the Concept of Legal Policy of the Republic of Kazakhstan until 2030, the Concept for the Development of the Financial Sector of the Republic of Kazakhstan until 2030, as well as the state program "Digital Kazakhstan".

Approbation of the Dissertation Research Results. The results of the dissertation research have undergone comprehensive academic discussion. Within the framework of the dissertation topic, 16 scientific articles have been published: the research findings have been presented in international journals, in scientific publications included in the list approved by the Committee for Quality Assurance in Science and Higher Education under the Ministry of Science and Higher Education of the Republic of Kazakhstan, as well as in the proceedings of international scientific-theoretical and scientific-practical conferences. In addition, one of these articles has been published in a foreign scientific journal indexed in the Scopus and Web of Science databases.