

LEGAL AND ORGANIZATIONAL FOUNDATIONS FOR ENSURING PUBLIC SAFETY IN RELATION TO CRIMINAL OFFENSES COMMITTED USING UNMANNED AERIAL VEHICLES (UAVS) IN THE REPUBLIC OF KAZAKHSTAN

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Abstract. The use of unmanned aerial vehicles (UAVs) for unlawful purposes - smuggling, espionage, and the preparation of terrorist acts is becoming an increasingly acute problem for Kazakhstan's law enforcement system, and this article is devoted precisely to that issue: how law and law enforcement practice are coping with this new type of threat. The author examines what current legislation has to say on the matter from civil aviation regulations to the provisions of the Criminal Code establishing liability for the unlawful use of drones and demonstrates where these norms function effectively and where they fall short. Particular attention is given to the practical dimension of the problem: how internal affairs bodies actually detect, suppress, and investigate crimes of this kind, and what difficulties they encounter in recording violations and gathering evidence. One of the study's key findings is that the country still lacks a clear mechanism for identifying UAV operators, and that inter-agency coordination frequently remains inconsistent. On this basis, the author proposes concrete measures to remedy the situation: establishing effective inter-agency coordination, introducing technical countermeasures against the unlawful flight of drones, and training law enforcement personnel to address this new category of threats.

Key words: public safety, UAVs, criminal offenses, legal regulation, organizational measures, law enforcement agencies, national security.

Introduction

The rapid spread of unmanned aerial vehicles (UAVS) [1] changed the nature of the use of airspace and gave rise to new types of public relations. Along with useful applications in logistics, monitoring, geodesy and agriculture [2], the threat of criminal use of drones has increased: terrorism, illegal exploration of strategic facilities, transportation of prohibited substances, violation of the border regime, invasion of privacy. The phenomenon is becoming cross-border in nature, which indicates the insufficiency of traditional mechanisms of legal regulation and necessitates the improvement of institutions of control, registration, licensing and responsibility.

The relevance of the topic is determined by three factors: the expansion of the availability and functionality of UAVS in the context of digitalization; the incompleteness of national legislation and the presence of legal gaps; the increasing role of international cooperation and the need to harmonize legal norms. Kazakhstan is also implementing separate projects for the development of unmanned aircraft in order to ensure the safety of the population and territories in emergency situations [3], which confirms the practical importance of improving the legal regulation of this area.

The purpose of the study is to analyze the legal and organizational foundations of ensuring public safety in the context of criminal offenses committed using UAVS in the Republic of Kazakhstan, assess their effectiveness and substantiate areas for improvement. To achieve this goal, the following tasks have been set: to systematize the types of illegal use of UAVS; to analyze the national regulatory framework; to study the organization of law enforcement agencies; to identify current problems of law enforcement practice and propose ways to solve them.

Materials and methods of research

The research materials included the Law of the Republic of Kazakhstan «On the Use of the Airspace of the Republic of Kazakhstan and Aviation Activities», the Code of Administrative Offences and the Criminal Code of the Republic of Kazakhstan, by-laws of the authorized civil aviation authority, as well as scientific publications, analytical reports and materials of law enforcement and law enforcement practice in Kazakhstan and foreign countries, including the experience of the European Union and the United States in the sphere of regulation of unmanned

aircraft systems.

To achieve this goal, a set of general scientific and special legal methods was used. The formal legal method is used in the analysis of the content of the norms of the current legislation of the Republic of Kazakhstan regulating the use of airspace and responsibility for its violation. The comparative legal method was used in comparing Kazakhstan's regulation with the legislation of the European Union and the United States, in particular with the UAV categorization system and the requirements for remote identification (remote ID). The method of systematization and classification is used to group offenses committed using UAVS according to the level of public danger. The system-structural method allowed us to consider the institutional system of counteraction as a set of interrelated entities (the Ministry of Internal Affairs, the National Security Committee, the Ministry of Defense, the Civil Aviation Committee). The methods of analysis, synthesis and generalization were used to evaluate the effectiveness of existing mechanisms and formulate proposals for improving legal regulation and technological control.

Results and its discussion

Classification of offenses committed using UAVS

The application of the systematization method made it possible to identify six categories of offenses according to their functional purpose and the level of public danger. The first category is acts against national security (terrorism, sabotage, attacks on strategic facilities); an illustrative example is drone strikes on Saudi Arabia's oil refineries in 2019, which affected global energy security. For Kazakhstan, this threat is relevant in relation to the oil and gas sector and transport hubs.

The second category is the transportation of drugs and prohibited substances, including delivery to correctional institutions; similar cases of suppression have been recorded in Kazakhstan. The third category is illegal intelligence and information gathering using high - resolution cameras and thermal imagers near military and strategic facilities. The fourth is the violation of the border regime and cross - border crimes, the risk of which for Kazakhstan is increased by the length of the continental border. The fifth category is invasion of privacy (covert filming of residential areas), violating the constitutional principle of privacy. The sixth is the violation of public order and flight safety regimes, including cases of interference near airports.

The threats associated with UAVs manifest themselves systematically and affect infrastructure, information and national security. The approach of drones to oil and gas complexes, power plants and airports can disrupt production processes; the 2018 incident at Gatwick Airport (Great Britain), where hundreds of flights were canceled, is indicative. Cases of unauthorized drone launches near the international airports of Almaty and Astana have been recorded in Kazakhstan. The use of UAVs for terrorist purposes is particularly dangerous, requiring special technical and organizational counteraction measures [4].

Remote control makes it difficult to identify the operator and complicates the proof. The possibility of circumventing border controls creates new forms of cross-border crime, and videotaping residential areas violates the constitutional rights of citizens. A technological vulnerability is the risk of control interception (in particular, through GPS spoofing), and mass events and crowded places remain high-risk areas during uncontrolled flights.

The legal basis for the use of UAVS in Kazakhstan is the Law of the Republic of Kazakhstan dated July 15, 2010 № 339-IV «On the use of the Airspace of the Republic of Kazakhstan and Aviation Activities», the Code of Administrative Offences, the Criminal Code, as well as the Rules for the Use of Unmanned Aircraft Systems in the airspace of the Republic of Kazakhstan, approved by the authorized body of civil aviation. The use of airspace is carried out on a permissive basis: UAV flights are subject to approval and registration in cases prescribed by law, which generally corresponds to the practice of foreign countries regulating the import and turnover of unmanned vehicles [5].

The Administrative Code of the Republic of Kazakhstan provides for administrative liability for violation of the rules for the use of airspace; issues of administrative and legal regulation of the use of unmanned vehicles remain the subject of independent scientific research [6]. In practice,

aircraft confiscation is applied, and the increase in fines discussed in 2025 reflects a tightening of administrative policy in this area [7]. The current Criminal Code does not contain any special criminal law norms that establish UAVs as a qualifying feature: offenses committed with their use (terrorism, intelligence, smuggling, interference in private life) are classified according to general principles, and the drone is considered only as an instrument of committing an act.

The analysis shows a number of gaps: insufficient systematization of requirements for individuals; weak automation of accounting and control; lack of differentiating criminal law norms. In comparison with the practice of the European Union (open/specific/certified categories, mandatory remote identification system - remote ID), the national regulation of Kazakhstan is at the initial stage of digitalization of control.

Countering the illegal use of UAVs is provided by the Ministry of Internal Affairs, the National Security Committee, the Ministry of Defense, the Civil Aviation Committee and local executive bodies. The Ministry of Internal Affairs implements the functions of detecting and suppressing offenses through patrol and criminal police; at the same time, positive experience is accumulating in the use of UAVs by law enforcement agencies themselves in the detection and investigation of crimes [8]. The National Security Committee and the Border Guard Service are countering the use of drones for terrorist, intelligence and cross-border purposes. The air defense forces monitor the airspace with radar equipment, the effectiveness of which is limited in relation to small-sized UAVs, which necessitates the use of electronic countermeasures. The Civil Aviation Committee performs licensing and registration functions, but digital monitoring systems for small drones are not sufficiently developed.

Interagency cooperation remains a key organizational condition - the rapid exchange of information and coordination of actions, in particular during major international events when temporary airspace restrictions are imposed. The preventive direction involves the development of registration, training and licensing of users, as well as the introduction of geofencing and remote identification, which is only partially implemented in Kazakhstan.

The first direction is the formation of a systematic legislative act regulating the classification of UAVs, the registration procedure, flight zones, rights and obligations of operators, taking into account the comparative experience of regulating unmanned aircraft systems in foreign countries [9]. The second is to clarify criminal and administrative liability by introducing differentiating features of the use of UAVs, by analogy with the practice of the United States (Federal Aviation Administration, FAA). The third is to improve the licensing system and mandatory training for operators, including amateur users, as implemented in Germany and France.

The fourth direction is the digitalization of airspace management through UTM (Unmanned Traffic Management) / U-space systems, which allow real-time flight coordination. Fifth, strengthening international cooperation, including within the framework of Interpol and ICAO, to exchange information on cross-border offenses; the relevance of this area is confirmed by the tightening of regulation of UAV flights discussed in Kazakhstan in 2025 [10], as well as issues of legal support for the use of UAVs raised at international scientific and practical venues [11].

The effectiveness of the counteraction directly depends on the development of technical means for detecting and identifying small UAVs, the accuracy of which remains low with existing radar systems. International practice demonstrates the effectiveness of integrated monitoring (RF detection, video surveillance, acoustic sensors) and the Remote ID system, which is mandatory in the European Union. In Kazakhstan, such complexes are used point-by-point, there is no single database of registered UAVs.

The tasks of implementing automatic geofencing, neutralization tools (radio frequency suppression, forced landing), a unified digital registration and authorization platform (similar to UTM in France), as well as video analytics systems based on artificial intelligence within the framework of smart city projects remain relevant. Special attention should be paid to the personnel training of law enforcement officers, the cybersecurity of UAV navigation systems (the risk of GPS-spoofing) and the involvement of the private sector in protecting critical infrastructure facilities.

Conclusion

The conducted research shows that the threat to public safety from criminal offenses committed using UAVs in the Republic of Kazakhstan is systemic and affects the legal, institutional and technological spheres. The current legislation regulates the use of airspace in general terms, but does not contain special rules that take into account the features of UAVs as a means of committing offenses, which makes it difficult to uniformly qualify and assess the public danger of acts. The organizational system of interdepartmental interaction has not been fully formed, and the technical means of detecting, identifying and neutralizing small drones have been implemented point-by-point. International experience (Remote ID, geofencing, UTM, RF detection complexes) confirms the effectiveness of such tools in reducing the number of offenses. To increase the level of public safety, it is necessary: systematization of the legal regulation of UAVs, differentiation of criminal and administrative responsibilities, digitalization of airspace control, strengthening interdepartmental coordination and expansion of international cooperation — which will bring national legislation in line with international standards.

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДА ҰШҚЫШСЫЗ ҰШУ АППАРАТТАРЫН (ҰҰА) ПАЙДАЛАНУ АРҚЫЛЫ ЖАСАЛАТЫН ҚЫЛМЫСТЫҚ ҚҰҚЫҚ БҰЗУШЫЛЫҚТАР КЕЗІНДЕ ҚОҒАМДЫҚ ҚАУІПСІЗДІКТІ ҚАМТАМАСЫЗ ЕТУДІҢ ҚҰҚЫҚТЫҚ ЖӘНЕ ҰЙЫМДАСТЫРУШЫЛЫҚ НЕГІЗДЕРІ

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Аңдатпа. Ұшқышсыз ұшу аппараттарын құқыққа қарсы мақсаттарда - контрабанда, тыңшылық, лаңкестік акт дайындау сияқты әрекеттерде пайдалану Қазақстанның құқық қорғау жүйесі үшін барған сайын өткір мәселеге айналууда, және мақала дәл осы сұраққа арналған: құқық пен құқық қолдану тәжірибесі қатердің жаңа түрімен қалай күресіп жатыр. Автор осы мәселе бойынша қолданыстағы заңнаманың не айтатынын талдайды азаматтық авиация нормаларынан бастап дрондарды заңсыз қолданғаны үшін жауапкершілікті көздейтін Қылмыстық кодекс баптарына дейін және осы нормалардың қай тұста жұмыс істейтінін, ал қай тұста ақсап жатқанын көрсетеді. Мәселенің практикалық жағына бөлек тоқталған: ішкі істер органдары осындай қылмыстарды нақты қалай анықтайды, жолын кеседі және ашады, бұзушылықтарды тіркеу мен дәлелдемелер жинау кезінде қандай қиындықтарға тап болады. Жұмыстың негізгі қорытындыларының бірі елде ұшқышсыз ұшу аппараттары операторларын сәйкестендірудің нақты тетігі әлі де жоқ, ал ведомствоаралық өзара іс-қимыл көбіне үйлеспеген күйде қалып отыр. Осыдан шыға отырып, автор жағдайды түзету бойынша нақты қадамдар ұсынады: ведомствоаралық үйлестіруді жолға қою, дрондардың заңсыз ұшуына қарсы іс-қимыл жасайтын техникалық құралдарды енгізу және құқық қорғау органдары қызметкерлерін қатердің жаңа түрімен жұмыс істеуге үйрету.

Түйін сөздер: қоғамдық қауіпсіздік, ҰҰА, қылмыстық құқық бұзушылықтар, құқықтық реттеу, ұйымдастыру шаралары, құқық қорғау органдары, ұлттық қауіпсіздік.

ПРАВОВЫЕ И ОРГАНИЗАЦИОННЫЕ ОСНОВЫ ОБЕСПЕЧЕНИЯ ОБЩЕСТВЕННОЙ БЕЗОПАСНОСТИ ПРИ СОВЕРШЕНИИ УГОЛОВНЫХ ПРАВОНАРУШЕНИЙ С ИСПОЛЬЗОВАНИЕМ БПЛА В РЕСПУБЛИКЕ КАЗАХСТАН

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Аннотация. Использование беспилотных летательных аппаратов в противоправных целях - контрабанде, шпионаже, подготовке террористических актов становится всё более острой проблемой для правоохранительной системы Казахстана, и статья посвящена именно этому вопросу: как право и правоприменительная практика справляются с новым видом угрозы. Автор разбирает, что говорит по этому поводу действующее законодательство от норм гражданской авиации до статей Уголовного кодекса, предусматривающих ответственность за незаконное применение дронов, и показывает, где эти нормы работают, а где дают сбой. Отдельно затронута практическая сторона дела: как именно органы внутренних дел выявляют, пресекают и раскрывают преступления такого рода, с какими трудностями сталкиваются при фиксации нарушений и сборе доказательств. Один из ключевых выводов работы в стране до сих пор нет чёткого механизма идентификации операторов БПЛА, а взаимодействие между ведомствами часто остаётся несогласованным. Исходя из этого, автор предлагает конкретные шаги по исправлению ситуации: наладить межведомственную координацию, внедрить технические средства противодействия незаконным полётам дронов и обучить сотрудников правоохранительных органов работе с новым типом угроз.

Ключевые слова: общественная безопасность, БПЛА, уголовные правонарушения, правовое регулирование, организационные меры, правоохранительные органы, национальная безопасность.