
КОНСТИТУЦИОННОЕ, АДМИНИСТРАТИВНОЕ И МЕЖДУНАРОДНОЕ ПРАВО CONSTITUTIONAL, ADMINISTRATIVE AND INTERNATIONAL LAW

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Features of the constitutional and legal regulation of the energy security system of the Republic of Kazakhstan: current state and prospects

The article discusses issues related to the definition of mechanisms and legislative provision of energy security. The relevance of the study is due to the emergence of new challenges and threats in this area, which requires timely response and legislative consolidation of the necessary measures. Energy security is an essential aspect of national security, as it directly affects the stability of the State, its economic development and the social well-being of citizens. In the legislation of the Republic of Kazakhstan, the concept of “energy security” is characterized by its versatility and breadth, however, there is no clear definition in regulatory legal acts. In some cases, it is mentioned only descriptively. In turn, the Constitution of the Republic of Kazakhstan, laws and other regulatory legal acts do not provide a sufficiently clear definition of the concept of “energy security”. It is necessary to develop an algorithm of legal argumentation for a clear and precise definition of this term in legislation. This will create a more specific and understandable legal framework for ensuring energy security. As a result, we will be able to better understand what responsibilities the state, private companies and citizens have in protecting energy resources and infrastructure. Since energy security is an integral part of national security, the precise definition of this concept in the legislation of the Republic of Kazakhstan will contribute to strengthening stability in the state. This will allow the government to coordinate its efforts to protect energy resources more effectively and make the country more resilient to external and internal threats.

Keywords: energy security, national security, constitutional and legal regulation, energy security system, elements of energy security, energy interests, threats to energy security.

Introduction

The energy security of the Republic of Kazakhstan is an essential component of national security, which directly affects the economic development, political stability and social well-being of the state. Despite the growing number of publications on this topic, at the moment there is no comprehensive approach to understanding the energy security system of the Republic of Kazakhstan from the point of view of constitutional law. Conducting such a study will have important implications both for the practical realization of the country's energy security and for the theory of law, as it will deepen our knowledge in this area.

At the same time, it is obvious that energy security has gradually become a vital factor in the economic independence and national sovereignty of the Republic of Kazakhstan, one of the main guarantees and foundations of the sustainable development of the state. In this regard, the formation and implementation of state policy in the field of energy security are becoming extremely important and necessary tasks.

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Currently, energy security occupies a special place among the priority areas, requiring increased attention and effective government regulation. The improvement of state policy in the field of energy is a key factor contributing to ensuring an adequate level of energy supply to the country and the full-fledged socio-economic development of society and the state as a whole. In the context of increasing demand for energy resources, the study of the energy security of the state is becoming particularly relevant.

In the process of studying energy security, it is necessary to pay attention both to the analysis of the state of the energy industry as the foundation for the energy supply of the national economy, and to the level of protection of the economy of society and the state from external negative influences, real and potential threats. It is important to note that energy security directly affects the level of household energy supply. In addition, it has an indirect impact on all aspects of society and the environment through man-made factors.

Methods and materials

In the course of the research, the formal logical method and the method of technical and legal analysis were used, existing scientific positions were analyzed, the essence of a number of theoretical positions was formulated and disclosed, in particular, when the author constructed definitions of the concepts of energy security. The systematic method allows us to consider the energy security system as a complex system that includes the following interrelated elements: energy sources, energy transportation capabilities, energy distribution, energy consumption, and regulatory and legal regulation. The structural and functional method allowed us to investigate the main elements of energy security, including existing types of threats.

Results

In the scientific literature, when talking about related fields such as energy, economic, and national security, the terms “structure” and “system” are often used to analyze their component parts. These terms are often used synonymously or it is noted that “structure” is the main characteristic of a “system.”

In our study, we will use the term “system” because, in our opinion, it more accurately reflects the essence of the phenomenon. It indicates not only the constituent elements, but also their interrelationships and possible dynamic changes. By security structure, we mean the varieties of a certain type of security. For example, the types of national security include economic, information, environmental, energy, and other types of security.

Considering national security as a general concept encompassing energy security, Yu.N. Tuganov notes that it is a system composed of interrelated hierarchical elements (subsystems) that are integrated and guided by a common purpose. The constituent elements of this system are threats, interests and factors influencing them, as well as methods of ensuring national security.

The author offers the following understanding of the national security structure: 1. An object is a person and a citizen, society and the state, as well as their vital interests, which are called national. 2. A subject is a state and non-state institutions that form a system for ensuring national security. 3. Targeted activities aimed at protecting national interests from various threats.

The national security system is a complex mechanism that includes many needs, interests and values that are the basis for the existence of an individual, society and the state. It covers both internal and external threats and dangers, as well as various factors affecting the level of national security. Such factors include natural, man-made and anthropogenic phenomena that can both contribute to and create obstacles to the stability and well-being of the nation. An important role in the system is played by state and non-state institutions that combine their efforts to protect and promote national interests and values. Their interaction is carried out within the framework of legislation, which ensures the legality and transparency of their activities [1; 21].

It can be assumed that any system created by a person to achieve his goals is aimed at meeting the needs and interests of people. Therefore, taking into account the above definitions, the center of the energy security system is its object — man, society and the state, as well as their interests. The distinct characteristics of this facility are most clearly reflected in its energy-related interests, which will be examined in detail in a subsequent section.

When we talk about the security system, we are simultaneously aware of the existence of certain threats to this security. Without these threats, there would be no need to create such a system, which makes it possible to identify threats as the second main element. The third defining element is the purposeful activity of energy security entities, which can have an impact on the two previous elements.

Let's consider these elements in detail and find out the constitutional and legal features. The Law "On National Security of the Republic of Kazakhstan" defines national interests as a set of legally recognized political, economic, social and other needs of the Republic of Kazakhstan, the implementation of which depends on the ability of the state to ensure the protection of human and civil rights, the values of Kazakh society and the foundations of the constitutional system [2].

Therefore, it is essential to identify the place of energy issues in the framework of national interests and understand how they relate to common interests, national interests, and the energy interests of our country.

Interest in constitutional law arises from the desire of various individuals and groups, based on their own specific needs and benefits. These interests are directly addressed and supported by the provisions of the Constitution and laws of Kazakhstan, ensuring their satisfaction. These interests have a high level of importance and priority, serving as a fundamental basis for their realization. They cover a wide range of subjects and issues, characterized by a universal legal nature. Additionally, they are guaranteed by the law, providing reliable protection for their implementation.

It is essential to differentiate between private interests that belong to individuals and those that represent the interests of social groups, as well as public interests that represent the broader interests of society. Public interests often arise from a balance between different group interests.

It is also important to note the difference between public and state interests. There are notable parallels among these interests, given that the state is fundamentally composed of its people. However, state interests are, in essence, efforts by the government — through official agencies and representatives — to interpret, shape, and institutionalize public interests within the framework of laws and regulations.

Regarding the distinction and possible conflict between public and private interests, it is correct to consider these interests as interests of different levels. E.V. Chikunova argues that the basis for resolving the contradictions between the interests of various actors should be based on a fundamental principle: the state, through its law-making bodies, should aim to ensure that the observance of public interests benefits every bearer of a private interest. At the same time, it is essential to limit the expression of subjective interests that are not in line with the interests of society or the state, and to educate their bearers about these differences. This can be achieved by raising awareness among the holders of private interests [3; 308].

This allows us to understand that public and private interests should not be in conflict or opposed to each other. Instead, the realization and protection of public interests creates conditions for the free realization of private interests.

Competition can only occur between the interests of individuals and social groups, as they can differ greatly from each other and have unique characteristics due to the nature of each entity. If we refer back to the previously discussed definition of national interests, they represent public interests that are essential for ensuring a sufficient level of national security.

V.V. Mamonov points out that national interests have a strong state-legal importance and are usually embodied in legal regulations and protected through the use of state enforcement [4; 54-55]. These are the most important characteristics of this concept.

Energy interests are the concerns and needs of various entities related to meeting the demand for fuel and energy resources.

Thus, it is clear that energy interests are both private and public concerns of all parties in meeting the demands for fuel and energy resources. We can also formulate national energy interests differently as public energy interests. Usually, such interests are fixed in the form of state interests, which are formulated by official authorities.

Taking into account the provisions of Article 1 of the Constitution of the Republic [5], the highest values of Kazakhstan are the human being, his life, rights, and freedoms. Therefore, the guarantee of human and civil rights and freedoms is a fundamental national interest that cannot be achieved without the proper protection of energy interests.

The energy security system of Kazakhstan is based on the prioritization of national interests in the energy sector. However, it also considers the interests of each citizen, society, and the state as a whole. When analyzing threats to Kazakhstan's energy security, it is important to note that they are varied and constantly evolving, making it difficult to define them clearly. In foreign literature, these threats are often described in terms of risks or dangers.

In general, threats to energy security always pose a threat to the entire society, which cannot exist without energy services provided and necessary for the population, economy, and the country's defense capability [6; 68]. In the scientific literature, threats to energy security are often understood as actions, events, phe-

nomena, or a combination of these factors that pose a danger and are aimed at violating energy security as a whole or its individual components or directly at its participants [7; 148].

The key to comprehending energy security threats lies in their systematic classification based on a diverse and well-established set of criteria. Energy security threats can be classified as follows:

1. By origin: internal or external.
2. By focus on specific economic activities: industrial, transportation, food, or household.
3. By duration: long-term or short-term.
4. By source of danger: natural, human-made, or anthropogenic.
5. By form: political, informational, economic, military, psychological, or technological.
6. By targeting specific energy facilities: mining, transportation, processing, or production.
7. By potential or real action [7; 151].

Various classifications of threats to energy security can be found in the foreign scientific literature. Some scientists divide these threats into four categories:

1. Threats caused by human activity.
2. Problems caused by shortcomings in technology.
3. Risks associated with the characteristics of energy resources.
4. Environmental factors that pose a threat.

It should be noted that some threats can simultaneously belong to multiple categories.

Jim Watson identifies the following types of threats: 1) depletion of fossil fuels; 2) insufficient investments in energy infrastructure; 3) failure of technology and infrastructure; 4) deliberate disruptions in the energy sector [8].

I. Manzhul, based on a detailed analysis of various classifications of threats to energy security, suggests the following criteria: 1) by factors: objective and subjective; 2) by object of occurrence (resources: coal, oil, gas, hydropower, nuclear energy, alternative sources); 3) by subject of occurrence; 4) by areas of occurrence: political, eco economic, socio-economic; 5) by scale: global, regional, local; 6) by sources of origin: natural, man-made, anthropogenic; 7) by duration of action: one-time, short-term, medium-term, long-term; 8) by scale of damage or danger: minor, significant, catastrophes; 9) by nature of impact on the energy sector: direct impact, indirect impact; 10) if possible, forecast: expected, unpredictable; 11) by degree of overcoming: remedial, non — regenerative [9; 71].

In addition, Article 22 of the Law “On National Security of the Republic of Kazakhstan” [2] also contains various types of threats to energy security. This includes the state of protection of fuel and energy, oil, gas and nuclear energy complexes of the economy from actual and potential threats. The state is able to ensure energy independence and sustainable development in order to meet the needs of society and other states for energy resources.

We believe that threats and their types form the basis for dividing the energy security of the Republic of Kazakhstan into different components.

Energy security can be divided into two main categories:

1) *Raw material security*: availability of own energy sources such as oil, gas, coal and uranium, as well as renewable sources; diversification of energy supply by using various types of fuel and technologies; development of infrastructure for extracting, transporting and storing energy resources.

2) *Energy efficiency and energy conservation* (saving resources by reducing energy consumption through the use of more efficient technologies and equipment); environmental sustainability (reducing greenhouse gas emissions and pollution of air, water, and soil); energy infrastructure development (construction and modernization of power plants, networks, pipelines, and other facilities to ensure the stability of the energy system against external and internal threats).

Threats to energy security significantly influence the formation of the state’s energy policy, which should be aimed at minimizing the effects of energy threat factors. Thus, threats significantly direct the activities of the state and determine priority areas of activity in the energy sector, which include the following sets of measures:

- 1) legal (development and improvement of legislation);
- 2) organizational and managerial (effective management system);
- 3) financial and economic (ensuring investments);
- 4) social (safe conditions and decent pay);
- 5) technical (compliance with regulations in the construction and operation of energy facilities); [9; 71];
- 6) scientific and technical (development and implementation of new technologies).

The third key element of the energy security system of the Republic of Kazakhstan is the purposeful activity of energy security entities, which is capable of influencing the object of energy security (including energy interests) and threats to energy security.

In a broad sense, we can consider all subjects of constitutional law, without exception, as subjects of energy security, since each of them is capable of influencing the above-mentioned aspects of energy security. In view of this, ensuring energy security is a complex process involving not only government agencies, but also civil society institutions, as well as citizens authorized by law to protect national interests. These entities actually form a system aimed at ensuring energy security.

However, as scientists note, it is important to distinguish between a security system, including energy, and a system for its provision. The first aspect reflects the balance of interests and threats, incorporating measures implemented by various government agencies to address these challenges. The second is an organizational structure consisting of government institutions, forces, means, and constitutional human rights and freedoms. At the same time, security activities should be carried out exclusively within the framework defined by the Constitution and laws of the Republic of Kazakhstan.

Discussion

The legislation of the Republic of Kazakhstan does not clearly define the term “energy security”. Even the country’s main law, the Constitution, does not disclose this concept. The Constitution establishes the general principles and foundations of the state structure, as well as the rights and freedoms of man and citizen, without going into detail in specific areas. However, various articles of the Basic Law mention such terms as “environmental security”, “information security”, “national security” and “public security” [5]. The issue of including the concept of “energy security” in the Constitution is debatable. Since the Basic Law is the main law of the state, including too detailed or specific provisions in it may lead to its overload. In addition, a clear definition of energy security may limit flexibility in decision-making. Government agencies must be ready to quickly respond to new challenges and threats, since the modern world is changing rapidly, and what seems relevant today may lose its significance in the future.

In various regulatory documents and scientific studies one can find various definitions and interpretations of the concept of “state energy security”.

The concept of energy security is enshrined in the Law “On National Security of the Republic of Kazakhstan”, where paragraph 1 of Article 22 states that it is “a condition that provides for the state of protection of the fuel and energy, oil and gas and nuclear energy complexes of the economy from real and potential threats, in which the state is able to ensure energy independence and their sustainable development to meet the needs of society and the state for energy resources” [2]. That is, the legislator in this case considers energy security as an element of economic security, which, in turn, is an integral part of the national security of the Republic of Kazakhstan.

In the “Concept of Development of the Uranium Industry and Nuclear Energy of the Republic of Kazakhstan for 2002–2030” of August 20, 2002, which is no longer in force, a definition was provided: “Energy security is a guaranteed, reliable energy and fuel supply necessary for the sustainable functioning of the material production and social sphere sectors on an economically reasonable basis under normal conditions, as well as their survival under emergency circumstances” [10]. This approach corresponds to the definition of energy security given by the World Energy Council: “...Energy security is the confidence that energy will be available in the quantity and quality required in the given economic conditions” [11].

If we talk about strategic documents, there is a Concept for the development of the fuel and energy complex of the Republic of Kazakhstan for 2023–2029. This document addresses energy security in various aspects. First, the strategy emphasizes that energy security is essential to ensure the sovereignty of Kazakhstan. Second, the energy infrastructure is seen as a flexible tool for ensuring reliable and safe energy supply. Third, projects to create new oil infrastructure, expand and construct all types of energy generation based on renewable sources, and develop emergency response plans for all businesses are seen as key measures to enhance the energy security of Kazakhstan.

In this concept, the concept of energy security is mentioned frequently, but in the context of risks, prospects and tasks associated with this area. However, a clear definition of “energy” security is missing in the document [12].

In scientific research, the category of “energy security” is interpreted in broad and narrow meanings, expanded or with an emphasis on key aspects of the sphere. Thus, D. Yergin quite succinctly defines the cat-

egory under study, namely as “the availability of sufficient reserves at affordable prices”, but does not take into account the closed cycle of production and energy carriers [13].

An interesting definition of “energy security” is proposed by Sanam Haghighi, who concludes that the generally accepted practical definition is “the concept of adequate energy supply and reasonable price”, that is, energy must be physically accessible and its price must be reasonable” [14; 14].

According to this approach, we can cite the interpretation of C. Winzer, who, based on his own convictions, considers energy security as a “process of continuity of energy supply in accordance with needs”. At the same time, the author suggests considering such components of security as economic, environmental and social in the context of risks that should be limited or avoided by means of the measurement algorithm he proposed: “state influence, the scope of the threat, the speed of the threat impact, the size of the threat impact, the sustainability of the threat consequences, the spread of the consequences of the threat, the features of the threat impact, the certainty of the threat” [15].

Researchers A. Cherp and J. Jewel limit the meaning of the essential content of energy security to an emphasis only on avoiding threats to the security of “important energy systems”, which include energy and technological resources based on their direct affiliation with the “energy flow” [16; 417].

B. Sovacool and M. Brown, analyzing energy security for a long time in their scientific publications, came to the conclusion that it changes under the influence of the following factors: the availability of energy, its accessibility, the efficiency of its use, and the environmental friendliness of its use [17].

E.E. Leukhina considers energy security as a state of protection of the energy interests of various subjects, which in turn is based on public relations regulated by the norms of law. However, it is fair to note that in our case it is advisable to say that these public relations are based on the appropriate state of protection of interests, since the economic aspect is decisive and basic, and already on the basis of the corresponding economic state certain public relations in the field of law arise and change [18; 18].

Most Kazakh scientists consider energy security issues at the macro level and consider it an integral part of national and economic security. Thus, Yelibayeva A. considers the problems of energy security from the point of view of the economic efficiency of the fuel and energy complex and its minimal negative impact on the environment. This is especially important for our Republic at the present [19; 48].

The above definitions confirm the previously stated theses and also prove that:

- energy security is an integral part of economic and national security;
- energy security implies certain real and potential threats in the energy sector and the ability to counteract them;
- is aimed at the stability of the existing system of ensuring the energy needs of various entities;
- is associated with the availability of energy or fuel and energy resources at an economically affordable price;
- the leading place is occupied by ensuring state interests in the energy sector (from time to time the concept of energy interests is used).

So, in our opinion, energy security, as an object of state policy, should be understood as a set of public relations that are regulated by legal norms. This makes it possible to achieve national energy interests, ensure the economic sovereignty of both individuals and legal entities, as well as the state as a whole. In addition, energy security is aimed at preserving the natural environment by eliminating existing threats.

As can be seen, in all regulatory definitions and most economic definitions, energy security is considered as a certain state. Other economic definitions also consider it as the ability of the state to counter threats. In other words, energy security is often considered as a state that is already characterized by protection from threats in the energy sector. This approach may somewhat narrow the concept of energy security. Only in legal definitions energy security is considered as a system of public relations that develops in the relevant sphere of society's activity.

At the moment, to ensure the energy security of a single country, it is necessary for its energy system to be in a state that allows it to supply the economy and social sphere with energy resources technically reliably, stably, economically efficiently and taking into account environmental standards. This should happen despite the existing and predicted negative internal and external factors.

Energy is one of the traditional regulated industries, given that: 1) energy is a strategic sector of the economy of any state. Sustainable, reliable, safe and affordable energy supply is necessary for the functioning of other sectors of the economy, the effective operation of the state and the normal existence of society; 2) access to modern energy services is a prerequisite for successful human participation in social and economic life, proper implementation of their rights and freedoms; 3) energy security of the state is one of the

main areas of national security of the state; 4) the functioning of the energy sector is inextricably linked with the risk to the environment; 5) energy is one of the areas of existence of natural monopolies [20; 45-46].

It should be noted that these areas generally coincide with the priorities for ensuring energy security defined by the International Energy Agency, the International Monetary Fund, the World Bank, and other international institutions engaged in research and implementation of specific projects in this area.

In recent years, new threats to the sustainable functioning of the country's energy sector have emerged in the energy sector. President Kassym-Jomart Tokayev emphasized "the problems of infrastructure deterioration, which affects the pace of industrialization of our country" [21]. Therefore, previously adopted mechanisms and tools for management activities in the field of energy security also need to be revised.

In light of these circumstances, the issue of improving legislation related to energy security has become particularly important for the Republic of Kazakhstan over the past five years. This is due to the fact that previously adopted legislative acts designed to address practical issues in this area proved unable to reflect the current challenges and new threats faced by the country.

Conclusions

The energy security system of the Republic of Kazakhstan is based on its object, which is a set of energy interests of citizens, state and non-state institutions, as well as society and the state as a whole. A special role in this facility is played by national interests in the field of energy, the protection of which is an essential condition for ensuring an adequate level of energy security and respect for the constitutional rights and freedoms of citizens.

This facility is constantly facing threats to energy security, which largely determine the energy policy of the state. It should be aimed at minimizing the impact of factors that pose a threat to energy security. Threats also serve as the basis for structuring the energy security of the Republic of Kazakhstan into various types.

Thus, the energy security system of the Republic of Kazakhstan is a set of dynamic elements that are constantly in the process of development and interact with each other. Despite the certain attention of legislators to the regulation of energy security as one of the most important components of national security, a necessary condition for the sustainable development of the state, economically efficient and environmentally sound provision of energy resources, the current regulatory legal acts do not specify the principles of ensuring energy security of the Republic of Kazakhstan.

It is also important for specialists in the field of constitutional law to explore topical issues such as the right to access energy services, the right to energy security, as well as to study their guarantees and implementation features. Also, in the process of developing the conceptual and categorical research apparatus, it is important to expand the content of the concept of "energy security". This will allow us to consider energy security in a broad and narrow context, as well as highlight energy security at the level of a person, a country and the international community.

In our opinion, in modern conditions, the energy function of the state is of particular importance, which, like its other external and internal functions, requires both deep theoretical understanding and legislative consolidation. This, first of all, should be reflected in the functional and competence characteristics of public authorities and officials responsible for the implementation of energy policy.

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Қазақстан Республикасының энергетикалық қауіпсіздік жүйесін конституциялық-құқықтық реттеудің ерекшеліктері: қазіргі жағдайы және болашағы

Мақалада энергетикалық қауіпсіздікті заңнамалық қамтамасыз ету және механизмдерін анықтауға байланысты мәселелер қарастырылған. Зерттеудің өзектілігі осы салада уақтылы әрекет етуді және қажетті шараларды заңнамалық тұрғыдан бекітуді талап ететін жаңа сын-қатерлер мен қауіптердің пайда болуымен байланысты. Энергетикалық қауіпсіздік ұлттық қауіпсіздіктің маңызды аспектісі, өйткені ол мемлекеттің тұрақтылығына, оның экономикалық дамуына және азаматтардың әлеуметтік әл-ауқатына тікелей әсер етеді. Қазақстан Республикасының заңнамасында «энергетикалық қауіпсіздік» ұғымы жан-жақтылығымен және кендігімен сипатталады, алайда нормативтік құқықтық актілерде оның нақты анықтамасы жоқ. Кейбір жағдайларда ол тек сипаттамалық түрде айтылады. Өз кезегінде, Қазақстан Республикасының Конституциясы, заңдары және басқа да нормативтік құқықтық актілері «энергетикалық қауіпсіздік» түсінігіне жеткілікті нақты анықтама бермейді. Заңнамада осы терминді нақты және дәл анықтау үшін құқықтық дәлелдеу алгоритмін әзірлеу қажет. Бұл энергетикалық қауіпсіздікті қамтамасыз ету үшін неғұрлым нақты және түсінікті құқықтық негіз құруға мүмкіндік береді. Нәтижесінде біз мемлекеттің, жеке компаниялардың және азаматтардың энергетикалық ресурстар мен инфрақұрылымды қорғау саласындағы қандай міндеттері бар екенін жақсы түсіне аламыз. Энергетикалық қауіпсіздік ұлттық қауіпсіздіктің құрамдас бөлігі болғандықтан, Қазақстан Республикасының заңнамасында бұл ұғымды нақты анықтау мемлекеттегі тұрақтылықты нығайтуға ықпал етеді. Бұл Үкіметке энергетикалық ресурстарды қорғау және елді сыртқы және ішкі қауіп-қатерлерге төзімді ету жөніндегі күш-жігерін тиімді үйлестіруге мүмкіндік береді.

Кілт сөздер: энергетикалық қауіпсіздік, ұлттық қауіпсіздік, конституциялық-құқықтық реттеу, энергетикалық қауіпсіздік жүйесі, энергетикалық қауіпсіздік элементтері, энергетикалық мүдделер, энергетикалық қауіпсіздік катері.

А.К. Кукеев

Особенности конституционно-правового регулирования системы энергетической безопасности Республики Казахстан: современное состояние и перспективы

В статье рассматриваются вопросы, связанные с определением механизмов и законодательного обеспечения энергетической безопасности. Актуальность исследования обусловлена появлением новых вызовов и угроз в данной сфере, что требует своевременного реагирования и законодательного закрепления необходимых мер. Энергетическая безопасность представляет собой наиболее важный аспект национальной безопасности, поскольку она напрямую влияет на стабильность государства, его экономическое развитие и социальное благополучие граждан. В законодательстве Республики Казахстан понятие «энергетическая безопасность» характеризуется многогранностью и широтой, однако в нормативно-правовых актах отсутствует его чёткое определение. В некоторых случаях оно упоминается лишь описательно. В свою очередь, Конституция РК, законы и другие нормативно-правовые акты не дают достаточно чёткого определения понятию «энергетическая безопасность». В связи с этим, необходимо разработать алгоритм юридической аргументации, позволяющий ясно и точно определить этот термин в законодательстве. Это создаст более конкретную и понятную правовую основу для обеспечения энергетической безопасности. В результате мы сможем лучше понять, какие обязанности есть у государства, частных компаний и граждан в сфере защиты энергетических ресурсов и инфраструктуры. Поскольку энергетическая безопасность является неотъемлемой частью национальной безопасности, точное определение этого понятия в законодательстве Республики Казахстан будет способствовать укреплению стабильности в государстве. Это позволит правительству более эффективно координировать свои усилия по защите энергетических ресурсов и сделает страну более устойчивой к внешним и внутренним угрозам.

Ключевые слова: энергетическая безопасность, национальная безопасность, конституционно-правовое регулирование, система энергетической безопасности, элементы энергетической безопасности, энергетические интересы, угрозы энергетической безопасности.

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