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# МЕМЛЕКЕТ ЖӘНЕ ҚҰҚЫҚ ТЕОРИЯСЫ МЕН ТАРИХЫ ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА THEORY AND HISTORY OF STATE AND LAW

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## Human dignity as the basis for human rights realization

The article examines issues related to the legal regulation of human dignity as a legal category intended to serve as a foundation for the realization of human rights. Human dignity is considered both as a category of domestic and international law within the system of human rights realization. The purpose of the research is to analyze the legal category of “human dignity”, identify problems in its regulation in the context of human rights realization, and develop ways to improve national legislation in this area. The study is conducted using general scientific and special legal methods, including analysis and generalization of theoretical provisions and legal norms. Based on the comparative legal method, the main trends in the legal consolidation and development of this category at the present stage are identified. The features of this category, its enshrinement in legal acts, and its reflection in international standards are also analyzed. The study results in proposals aimed at improving the legal norms of Kazakh legislation. The main conclusion is the need to enhance legal measures to harmonize national legislation in the field of respect for and protection of human dignity as one of the key conditions for the realization of human rights in modern Kazakh society.

*Keywords:* Republic of Kazakhstan, human rights, human dignity, law implementation, legislation, legal norms, international standards.

### Introduction

The legal category of “dignity” is at the human rights core. Research into this category is important and relevant today. Researching the legal category of “human dignity” is essential for human rights advocacy. Dignity is the foundation for understanding the need to protect human rights. The category of “dignity” in law is enshrined in two distinct concepts: “personal dignity” and “human dignity”. Constitutional norms use the concepts of “human dignity” and “dignity”. These concepts are interpreted differently depending on the context. We propose that the term “dignity” be understood as the dignity of every individual. In this case, dignity should be considered a category of private law. When conducting human rights monitoring, it is necessary to use the concept of “human dignity”. In our opinion, this is a public law concept. The concept “human dignity” is intended to reflect a universal category that defines the minimum standard of human rights observance. This is important for the human rights protection in public relations.

The significance of researching this problem for Kazakh law enforcement and human rights practice based in scientific “human dignity” and “dignity” categories development. This is necessary for the formation of legal concepts that reflect the private and public sides as studied legal categories.

In human rights advocacy, it is important to define human dignity as a universal human category. This category reflects the minimum level of human rights observance. Deterioration in a person’s situation com-

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pared to the generally recognized level should be a warning sign for the state. Human dignity is an objective category recognized by society. Distinguishing between the categories of “dignity” and “human dignity” is essential for the human rights implementation and law enforcement activities.

The purpose of the study is to examine the categories of “dignity” and “human dignity” from a theoretical perspective and to develop appropriate legal concepts for their enshrinement in legal acts. This creates the legal foundation for the full and effective realization of individual rights. The legal approach is important for ensuring individual rights in both public and private law spheres.

The research objectives are:

- To analyze and synthesize scientific concepts and categories related to personal dignity and human dignity, as well as to examine the process of their enshrinement in legislation and other sources of Kazakhstani law.

- To research legal categories “dignity” and “human dignity” used in international standards.

- To develop scientific provisions aimed at modernizing Kazakhstani law. These provisions aspire to introduce the concept of “human dignity” into legislation.

Conflicts in the methodology and theory of Kazakhstani law stem from the underdevelopment of the legal category of “human dignity”.

These conflicts are caused by different understandings these legal categories and the legal concepts developed on this basis. This is necessary for their consolidation in legislation and proper use in legal practice.

There are gaps in scientific and applied research that relate to the human rights research methodology and the using legal categories such as “dignity” and “human dignity”. In many scholarly sources, the categories under consideration are used as identical, while in others different interpretations are offered, which, from the author’s point of view, is incorrect.

Existing gaps in the interpretation of the “human dignity” category must be filled. Gaps in legislation and research should be considered in the insufficiently clear definition of the term “dignity”. The insufficient amount of research in this area contributes to these gaps. The lack of a clear distinction between dignity in public and private law hinders the effective implementation of human rights protection. This function is performed by both the state and civil society institutions. This aspect demonstrates the need for a diverse dignity understanding. In the legal literature and scientific research in the law field, issues related to human dignity have been addressed in industry studies, as well as in some researches on human rights issues. We agree with O.V. Vlasova, opinion who in her dissertation notes the small studies number, the subject is “human dignity” [1].

The author’s approach is based on the need for theoretical development of “human dignity” scientific category. It is also necessary to incorporate this legal concept into legislation. The legal category under study must be developed in accordance with international standards.

#### *Methods and materials*

The research utilized both general and specific scientific methods. A systems approach was employed, utilizing a comprehensive set of scientific techniques and research methods. The research analyzes and summarizes legal norms in legislation, specifically those concerning “human dignity”. A comparative legal method was used to compare Kazakhstani legislation with international standards. A systems approach examines the human rights implementation. This approach is used to examine the protection and promotion of human dignity. The use of legal hermeneutics allows for the development of new approaches to legal terminology. Establishing the concepts of “personal dignity” and “human dignity” is important for human rights monitoring. This is essential for law enforcement and human rights advocacy. Based on observation, description, analysis, and generalization, shortcomings in the legal regulation of the legal category “human dignity” have been identified. This category may be interpreted in different ways in various legal relations. Protection of dignity from humiliation is ensured by Kazakhstani legislation, international instruments, and the entire system of state law enforcement agencies. Systematic monitoring of respect for human dignity is carried out by civil institutions. These institutions include the National Preventive Mechanism. Its activities are aimed at preventing torture, as well as degrading punishment and treatment.

An analysis and summary of the identified problems allows us to identify human dignity as a fundamental category in the implementation of human rights. The problem is the procedure for ensuring respect for human dignity, particularly in correctional facilities. The situation regarding respect for human dignity is described in the Consolidated Report of the Participants of the National Preventive Mechanism of the Republic of Kazakhstan. The analysis is based on information obtained during preventive monitoring. During the

2024 monitoring, members of the National Preventive Mechanism visited a large number of closed institutions. They visited 489 institutions where human rights violations were suspected. Thirty-three special visits were devoted to identifying human rights violations. Monitoring was conducted in 11 correctional facilities, 13 pretrial detention facilities, six temporary detention centers, one special pretrial detention facility, and two special service centers. An analysis on dynamics of identified complaints for humiliation and torture shows a decrease over the past three years: 447 in 2022, 165 in 2023, and 111 in 2024 [2]. The results of the analysis are considered as the baseline data for this research. In 2025, the Commissioner for Human Rights of the Republic of Kazakhstan received more than 9.7 complaints, which increased by 45 % compared to 2024, and more than 818 visits to institutions and organizations were conducted. According to the audit results, 2438 recommendations were made, of which 2029 were implemented [3]. Through observation, description, analysis and generalization of the practice of monitoring human rights in the prevention field of torture and degrading treatment and punishment, the need to specify the “human dignity” legal concept has been identified.

### *Results*

The result was the author’s provisions, which are based on the author’s supervision of the procedure for protecting and ensuring human dignity in institutions and various types organizations, including closed ones. The author’s observations were conducted while participating in human rights monitoring. The author is a member of the National Preventive Mechanism for the Karaganda Region for the period 2023–2026. During monitoring visits and interviews with persons held in institutions and relevant organizations, the problem of different understandings of “human dignity” and “personal dignity” was identified. During the monitoring, it was concluded that the category “human dignity” is the broadest scientific category that can include “personal dignity”. It is also concluded that torture is a human dignity humiliation, since in the torture process, not only physical suffering is inflicted on a person, but also moral suffering. Accordingly, human dignity and personal dignity humiliation can occur both with and without torture.

In the author’s observation, shortcomings were identified in the legal regulation and practice for applying legal norms that ensure human dignity as the fundamental basis for the human rights realization. This was accomplished while exercising my mandate as a member of the National Preventive Mechanism. From 2023 to 2025, the author, as part of a monitoring group, visited various institutions. This is the number of the institution where a person is deprived or limited in liberty. These include: temporary detention centers; specialized reception centers; correctional institutions; mental health centers; institutions providing special social services; orphanages and other institutions. Based on international standards, such organizations and institutions are most likely to experience humiliation and violations of various human rights.

Main results of the research:

1) In Kazakhstan’s legislation, the right to dignity protection is enshrined in the Constitution, the Civil Code, the Code of Civil Procedure, and the Criminal Code. Part 1 of Article 17 of the Kazakhstan Constitution states: “Human dignity is inviolable”. Part 2 contains a provision prohibiting torture, violence, and other cruel or degrading treatment or punishment. The constitutional norm “human dignity” requires further detail and reflection in legislation. Article 18 of the Constitution enshrines the right of every person to the protection and inviolability of their dignity [4]. At the same time, the concept of “dignity” and “human dignity” is not disclosed in the constitutional norms. Article 143 of the Civil Code enshrines everyone’s right to the protection of their dignity, honor, and business reputation [5]. This article does not define the concept of “dignity”. Article 146 of the Criminal Code of the Republic of Kazakhstan establishes guarantees of protection from cruel, inhuman or degrading treatment and punishment. Article 375 provides for the protection of the honor and dignity of the President of the Republic of Kazakhstan. Article 376 establishes protection against attacks on the honor and dignity of a Member of Parliament [6]. The regulatory resolution of the Supreme Court of the Republic of Kazakhstan dated December 28, 2009 details the procedure for applying legal norms in criminal law [7]. The “dignity” concept, as a legal concept, is fixed in the Normative Resolution of the Supreme Court of the Republic of Kazakhstan dated December 18, 1992 “On the application in judicial practice of legislation on the honor protection, dignity and individuals and legal entities business reputation”. In this Resolution, the concept of “dignity” is defined as a person’s self-assessment of their own qualities, abilities, worldview, and social importance [8]. This concept should be considered as a legal concept enshrined in national law.

In addition to the constitutional provisions, the concept of “human dignity” is used in the Law “On the Rights of the Child”. In Article 10 of this Law, the state undertakes to ensure human dignity. Article 34 pro-

hibits insulting human dignity. Article 49 prohibits the using education methods that degrade human dignity [9]. However, the legal concept of “human dignity” is not defined in either constitutional norms or sectoral legislation.

2) The concept of “dignity” is not defined in the International Convention against Torture, although this international instrument establishes for each member state the obligation to prevent degrading treatment. These obligations for each member state are enshrined in Articles 10, 11, 12 and 13 of this International Convention [10]. Among other international documents, the Universal Declaration of Human Rights should be noted. The preamble to this declaration enshrines the provision that: “recognition of dignity is the freedom foundation, justice and peace in the world”. This document states that: “... dignity is inherent in all members of the human family and is the basis of equal and inalienable rights”. The Declaration enshrines that: “... all human beings are born free and equal in dignity and rights”. At the same time, not only the importance of dignity is enshrined, but also the prohibition of its humiliation, as well as torture and cruel, inhuman treatment or punishment [11]. The Preamble doesn’t provide a definition, but based on its meaning, one can conclude that: “...the dignity inherent in all members of the human family”. This can be understood as a universal phenomenon that reflects the essence of each individual. The International Covenant on Civil and Political Rights states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and universal peace”. This provision should be understood in such a way that, in addition to personal dignity, society also has an understanding of “human dignity” which should be inherent in “...all members of the human family”. This category summarizes the dignity understanding as a certain moral standard inherent in all people. The preamble to this Covenant also recognizes that human rights derive from the inherent dignity of every human being [12]. Accordingly, based on the provisions of the preamble, two concepts can be distinguished: A) “Human dignity” as a generalizing category that establishes a universal minimum standard for each person’s self-assessment of their own qualities, abilities, worldview, and social significance as a universal category; B) “Personal dignity” as a personal self-assessment of one’s own qualities, abilities and worldview.

Article 7 of the International Covenant on Civil and Political Rights reflects the human right to protection from degrading treatment and punishment. Article 10 enshrines the right of everyone deprived of their liberty to respect for their dignity and to be treated humanely [12]. Based on these provisions, it is necessary to distinguish between the legal concepts of “human dignity” and “personal dignity”.

3) Improving legislation to protect “human dignity” is interconnected with the development of criminal law. The primary source of criminal law is the Criminal Code. It establishes criminal liability for cruel, inhuman, or degrading treatment [6]. It should be noted that Article 146 of the Code is divided into two parts. One section separately establishes liability for humiliation of dignity. The other section establishes liability for torture [6]. Part 2 in this article defines torture, but part 1 in this article does not define dignity.

In order to specify the Constitution provisions, it seems necessary to detail the “human dignity” concept in criminal legislation. We propose to set out part 1 of Article 146: “Cruel, inhuman or degrading treatment, that is, the intentional infliction of physical and (or) mental suffering by an official or a person acting in an official capacity, or by another person at their instigation, or with their knowledge or acquiescence in the absence torture signs”. That is, to replace the “dignity” concept with the concept of “human dignity”. This is due to the concept of separating the “dignity” concepts as a private law concept and “human dignity” as a public law category.

It is proposed to add paragraph 3 to the note for this article in the following wording: “Human dignity is the accepted conditions at human existence in society, the social status inherent in every person in Kazakh society”.

4) The Methodological Recommendations on preventive visits, approved by the order of the Commissioner for Human Rights in the Republic of Kazakhstan dated January 31, 2023, define degrading treatment and punishment. Paragraph 18 of these Guidelines defines that “degrading treatment is understood to mean such treatment during detention, delivery, detention and the operational investigative measures conduct, which was not associated with causing physical pain, but entailed his unjustified humiliation in front of others in his own eyes” [13]. This definition can be seen as a personal dignity humiliation. At the same time, degrading treatment may not be considered humiliating at the time of its use by him or others, but it has put the person in conditions that do not correspond to the accepted conditions of human existence in our society [13]. This approach can be considered as a humiliation of human dignity. The Guidelines explain the category of “degrading punishment”. Paragraph 19 stipulates that “Degrading punishment should also be understood as punishment that involves placing the person being punished in conditions that impede the normal

functioning of the human body, or aimed at unjustifiably or significantly lowering the social status for the person being punished” [13]. Accordingly, in this paragraph, provisions concerning “personal dignity” and “human dignity” can also be highlighted. It is proposed to supplement these methodological recommendations with paragraphs 19-1 and 19-2. Paragraph 19-1 is proposed to be formulated as follows: “Dignity is a person’s self-assessment of their own qualities, abilities, worldview, and social significance”. Paragraph 19-2 is proposed to be formulated as follows: “Human dignity is the accepted human existence conditions in society, the social status inherent in every person in Kazakh society”.

The novelty of the obtained results lies in the analysis, generalization, and systematization of legal norms that enshrine the category of “human dignity” as a legal concept. What is new is the rationale for proposals to include the “human dignity” concept in Kazakh legislation. It is proposed to include these legal concepts in legislative and by-laws. This will allow for a new approach to understanding the essence of human rights monitoring. From a practical standpoint, this is essential for a proper understanding of the concept of “human dignity”. To achieve the goals and objectives of human rights monitoring, it is crucial to implement this new approach to understanding. The new result is concrete proposals to supplement the criminal law norms and the derivative legal act of the Commissioner for Human Rights in the Republic of Kazakhstan.

The fundamental conceptual approach of this study is to divide the general category of “dignity” into two parts. The first category, “personal dignity”, is viewed as the dignity of a specific individual. The second category, “human dignity”, is viewed as the dignity of an abstract individual, as a socially recognized minimum humanitarian standard. Personal dignity is considered a category of private law. It is defined as “an individual’s self-assessment of their own qualities, abilities, worldview, and social significance”. “Human dignity” is considered as a category of public law “a minimum standard of human existence defined in society, based on a social status understanding as society abstract member”.

#### *Discussion*

When comparing the results it is necessary to pay attention to the fact that a fairly large number of scientific papers are devoted to guarantees and dignity protection at the international, constitutional and sectoral levels. The concepts of “personal dignity” and “human dignity” in the context of their shared use have received little attention in popular academic works. The inadequacy of this research and the lack of development of these categories are noted in the dissertation research of O.V. Vlasova [1]. We agree with this position. The concepts of “personal dignity” and “human dignity” are used in the constitutional norms of the Russian Federation in Article 21 [14]. The Commentary to Article 21 establishes that personal dignity is a property. Dignity, as an inalienable quality of every individual, is inherent in all people. This means that it essentially constitutes the foundation of every individual’s existence. However, it is explained that dignity is considered an inherent property of a person as the highest value. This property forms the basis for the recognition of all their rights and freedoms. It belongs to a person, regardless of how they or the people around them perceive and evaluate their personality. All state bodies provide a person with the full range of necessary conditions for the realization of human rights [15]. Personal dignity is considered a personal assessment of one’s own qualities. Human dignity is viewed as a necessary minimum level of protection and observance of human rights.

In legal studies devoted to personal dignity and human dignity, these scientific categories are studied from the perspective of different approaches. In the dissertation research of T.A. Khashem, human dignity is studied as a collective and individual social phenomenon [16]. In the dissertation research of M.A. Paladev, the definition of honor and dignity is revealed in two aspects: objective and subjective. This author notes that the concept of “dignity” in the subjective sense can be identified with the concept of “honor” in its objective meaning. This scientific research reveals the homogeneity of social relations and the unity of methods for regulating the legal institution of “human honor and dignity”. The dissertation notes the naturalness of the right to personal dignity. It is intended to establish the basic foundation of the legal system as a legal principle. Recognition of this principle is a necessary condition for the existence of all human rights. In this study, the right to dignity and honor is considered as a special subjective right. This right consists of the following powers: a) presumption of honor and equal dignity; b) possession of dignity and honor; c) disposal of honor; d) protection of dignity and honor [17]. It is necessary to agree with the provisions that this author defends. Based on the purpose, these provisions need to be supplemented. The “equal dignity” that this author highlights correlates with the “human dignity” concept that we are considering in this study. In M.L. Gaskarova’s dissertation research, the categories “personal dignity” and “human dignity” are considered as unambiguous.

At the same time, it is noted that the “dignity” and “honor” categories are closely related and have been studied for a long time in an inseparable connection. Their difference is emphasized, which is as follows: “Honor” defines the degree of recognition of a person by society as observing moral and legal norms result; “Dignity” implies equality of opportunities for all people to achieve respect and means a person value [18]. In scientific research on the law theory and constitutional law, the “honor” and “dignity” categories are considered in the context of the observance and human rights protection, whereas in civil and criminal law, the “honor” and “dignity” categories are considered without interrelation with human rights, primarily as an unlawful encroachment object.

In our opinion, it is necessary to separate the “dignity” concept in the private law field, in order to protect it in civil law relations. The “human dignity” category in public law should be singled out separately. Legislation must be modernized by incorporating the concept of “human dignity” into legal acts. This approach should be the basis for scientific research in the field of human rights. Respect for and protection of human dignity must be incorporated into practical law enforcement and human rights activities. This approach emphasizes the fundamental nature of human dignity as the foundation of human rights. This concept appears to establish a minimum standard for respect for human rights. This is a contemporary understanding of the necessary level of respect for human rights in a given historical society. This level must be guaranteed by the state and conditioned by the generally accepted level of respect for and provision of human rights. The discussion took place at the Karaganda National Research University named after Academician E.A. Buketov Law Faculty during the round table “The Constitution as the basis of the national legal system” on September 5, 2025. Issues related to human dignity as the basis of human rights were discussed during the round table “Independence and State sovereignty as the basis of human rights in the Republic of Kazakhstan” on December 12, 2025. These scientific forums addressed issues of human dignity, personal dignity, and human rights. The distinguishing concept of the “human dignity” category in Kazakh legal science and the consolidation of this concept in Kazakh legislation were supported.

Issues related to the observance and protection of human dignity were discussed on various information platforms and media resources. Trainings and seminars were held on the practical implementation of norms aimed at preventing degrading forms of punishment and treatment [19]. The result of these discussions was the draft law “On the National Preventive Mechanism”. This initiative was presented in April 2024 by experts from the Coalition of Non-Governmental Organizations of Kazakhstan [20]. It is important to incorporate the concept of “human dignity” into this draft law.

Problems in the area of human rights implementation, protection, and observance are examined in publications by A.B. Ashirbekova, O. Anayurt [21; 6–14], V.S. Issabekova, J. Zalesny [22; 25–31]. These publications are devoted to the analysis and generalization of the activities of human rights protection mechanisms in different countries and the Republic of Kazakhstan. Current issues of the organization and activities of the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are examined in the article by A.V. Turlayev, N.S. Akhmetova [23; 59–69]. In the course of reviewing and analyzing the research results in these publications, it can be concluded that it is necessary to introduce the “human dignity” concept into Kazakh law and legislation.

The issues explored in this article are scientifically novel and relevant. The results of this study are novel and have theoretical and practical significance. The results obtained during the study are scientifically substantiated. Certain provisions of this research aim to clarify legal concepts and definitions. The introduction of the “human dignity” concept into Kazakh science and legislation will make it possible to separate this concept from the existing “dignity” concept. This is necessary to separate these concepts. The legal category “dignity” is designed to reveal a person’s self-assessment of their own qualities, abilities, worldview, and their social significance [8]. That is, it is an individual self-assessment, has a personal character. In understanding, each person’s dignity is different, due to his life experience, cultural level, and social status. This approach is most suitable for relations regulated by civil law and other private law branches. The proposed “human dignity” legal concept should be used in human rights activities in the field of public law. Human dignity is proposed to be understood as the necessary level of respect for human rights accepted in society, ensuring the human existence conditions, and the social status inherent in every person in Kazakh society.

The main result is the nomination of a scientific concept summarizing the research results and legal provisions that reveal human dignity as a public law category. Human rights activities are considered as activities in the field public law and in the private law field. In the field public law, it is proposed to use the concept of “human dignity” inherent in all people. In the field private law, the legal “dignity” concept should be used, reflecting the qualities inherent in one particular person. This approach is based on the formulation

and structure of norms in international acts and standards. The proposed concept is substantiated by analyzing and summarizing civil and criminal norms, law enforcement, and human rights practices.

The validity of the obtained results is confirmed by examining the required list of Kazakh and international legal norms. Scientific publications in this area and other information were reviewed. The author's observations during monitoring of human rights compliance in the exercise of the powers of a member of the National Preventive Mechanism operating in the Karaganda region underpin the validity of the results.

### *Conclusions*

The conducted research allows us to systematize the results and approaches to examining problems in the area under study. The development of provisions on human dignity is being carried out in the context of protecting individual rights from cruel, inhumane, or degrading treatment and punishment. All obtained results are systematized and briefly presented.

1) The legal codification of "dignity" concept was achieved in the Resolution of the Supreme Court of the Republic of Kazakhstan dated December 18, 1992, "On the Application of Legislation on the Protection of the Honor, Dignity, and Business Reputation of Individuals and Legal Entities in Judicial Practice". This Resolution enshrines dignity as an individual's self-assessment of their own qualities, worldview, abilities, and social significance [8]. Part 1 of Article 17 of the Constitutional Law establishes the concept of the inviolability of human dignity. Part 2 contains a provision prohibiting torture, violence, and other cruel or degrading treatment or punishment. Accordingly, the constitutional concept of "human dignity" requires its specification in the sectoral legislation.

2) Based on the international human rights standards provisions, two concepts can be distinguished: A) "Human dignity" as a generalizing category that establishes a universal minimum standard for each person's self-assessment of their own qualities, abilities, worldview, and social significance as a universal category; B) "Personal dignity" as a personal self-assessment of one's own qualities, abilities and worldview. Based on the meaning of article 7 of the International Covenant on Civil and Political Rights, it is necessary to distinguish two concepts "personal dignity" and "human dignity".

3) It seems important, in order to concretize the constitutional provisions, to develop in more detail the concept of "human dignity" in criminal law. It is proposed to formulate part 1 of article 146 as follows: "Cruel, inhuman or degrading treatment, that is, the intentional infliction of physical and (or) mental suffering by an official or a person acting in an official capacity, or by another person at their instigation, or with their knowledge or acquiescence in the absence of torture signs". We have substantiated the importance of changing the concept of "dignity" to the concept of "human dignity". This follows from the concept, substantiated in this article, of dividing the concepts into "personal dignity" as a category of private law and "human dignity" as a category of public law. We propose making the following additions to the note to this article. Add paragraph 3 to the article. This paragraph is proposed to read as follows: "Human dignity is the conditions of human existence accepted in society, a social status inherent to every person in Kazakhstani society".

4) We propose to supplement the Methodological Recommendations for Preventive Visits, approved by the order of the Human Rights Commissioner of the Republic of Kazakhstan dated January 31, 2023, with paragraphs 19-1 and 19-2.

- Paragraph 19-1 is proposed to read as follows: "Dignity is a person's self-assessment of their own qualities, abilities, worldview, and their social significance".

- Paragraph 19-2 is proposed to read as follows: "Human dignity is the set of conditions of a person's existence in society and the social status inherent in every person in Kazakh society".

These additions are of a practical nature, since when monitoring human rights, participants in the National Preventive Mechanism should separate in each case "dignity" as a particular category inherent in a particular person and "human dignity" as a universal category inherent in all people.

The practical value of the study stems from the need to utilize its findings in human rights and law enforcement practice. These findings are aimed at improving legal norms on the prevention of degrading treatment and punishment, which implies the modernization of human rights practices.

The scientific value of the study stems from its theoretical approach to studying the scientific aspects of the category of legal theory. This theory reveals the category of personal dignity and human worth from a scientific perspective. On this basis, legal concepts are developed and formulated for implementation in Kazakhstani legislation.

The results of the study can be applied in human rights advocacy and in monitoring human rights compliance. They can be used in scientific research on human rights. The results can be implemented in lawmaking and in the interpretation of legal norms during the law enforcement process.

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## Адамның қадір-қасиеті адам құқықтарын жүзеге асырудың негізі ретінде

Мақалада адам құқықтарын іске асырудың негізі болып табылатын құқықтық санат ретінде адами қадір-қасиетті құқықтық реттеудің өзекті мәселелері қарастырылады. Адамның қадір-қасиеті адам құқықтарын іске асыру жүйесінде отандық және халықаралық құқықтың құқықтық санаты ретінде зерделенген. Зерттеудің мақсаты — «адамның қадір-қасиеті» құқықтық санатына талдау жүргізу, адам құқықтарын жүзеге асыру контекстінде құқықтық реттеудегі мәселелерді анықтау, сондай-ақ осы саладағы ұлттық заңнаманы жетілдіру жолдарын ұсыну. Зерттеу жалпы ғылыми және арнайы құқықтық әдістер арқылы жүзеге асырылады, теориялық ережелер мен құқықтық нормаларды талдау және жалпылау қолданылған. Салыстырмалы құқықтық әдіс негізінде қазіргі уақытта осы санаттың құқықтық шоғырлануы мен дамуының негізгі тенденциялары және құқықтық бекіту мен дамытудың негізгі тенденциялары анықталған. Осы ғылыми санаттың ерекшеліктеріне, оның құқықтық актілерде және халықаралық стандарттарда бекітілуіне талдау жүргізілді. Зерттеудің негізгі нәтижесі — қазақстандық құқықтың құқықтық нормаларын жетілдіру бойынша ұсыныстар беру. Зерттеудің негізгі қорытындысында қазіргі қазақстандық қоғамда адам құқықтарын іске асырудың негізгі шарттарының бірі ретінде адамның қадір-қасиетін сақтау және қорғау саласындағы ұлттық заңнаманы үйлестіруге бағытталған құқықтық шараларды жетілдіру қажеттілігі туралы ережені жетілдіру қажеттілігі тұжырымдалған.

*Кілт сөздер:* Қазақстан Республикасы, адам құқықтары, адамның қадір-қасиеті, құқықты іске асыру, заңнама, құқықтық нормалар, халықаралық стандарттар.

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## Человеческое достоинство как основа реализации прав человека

В статье рассматриваются проблемные вопросы правовой регламентации человеческого достоинства как правовой категории, призванной находиться в основе реализации прав человека. Человеческое достоинство рассматривается как правовая категория отечественного и международного права в системе реализации прав человека. Цель исследования — осуществление анализа правовой категории «человеческое достоинство», выявление проблем правовой регламентации в контексте реализации прав человека, а также выработка путей совершенствования национального законодательства в этой сфере. Исследование осуществляется посредством общенаучных и специально-правовых методов, используется анализ и обобщение теоретических положений и правовых норм. На основе сравнительно-правового метода выявляются основные тенденции правового закрепления и развития этой категории в настоящее время. Проведен анализ особенностей этой научной категории, её закрепления в правовых актах и международных стандартах. Основным результатом исследования являются предложения по совершенствованию правовых норм казахстанского права. Основным выводом исследования является положение о необходимости совершенствования правовых мер, направленных на гармонизацию национального законодательства в сфере соблюдения и защиты человеческого достоинства как одного из основных условий реализации прав человека в современном казахстанском обществе.

*Ключевые слова:* Республика Казахстан, права человека, человеческое достоинство, реализация права, законодательство, правовые нормы, международные стандарты.

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