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Legal aspects of state support for the creative industries in the context of digitalization

The article examines the role of the creative industries in the economy of society and the country, as well as the need to establish a legal framework for state support of the sector. The aim of the article is to examine the legal framework for state support in the context of the digitalization of the creative industries in Kazakhstan and to identify ways to improve the regulatory framework. The study identifies the mechanisms of state support for the creative industries, the challenges involved, and areas for improvement. In the context of digital development, establishing an effective system of state support for the creative industries is of particular importance. Based on an analysis of the current legislative framework, the institutional foundations of legal regulation, the stages of its development, and existing gaps are examined. The main forms and mechanisms of state support are analyzed in detail. The study employs legal, systemic, and analytical methods. It focuses on current issues in the sector, the comprehensive development of mechanisms for state support of the creative industries in Kazakhstan, and the improvement of legislation. The findings can be used in the implementation of public policy and the drafting of legislation.

Keywords: creative industries, legislation, intellectual property, fund, economy, register, digitalization, legal regulation, state support.

Introduction

In the current context of the country's socio-economic and cultural development, effective legal regulation of the creative industries is one of the key instruments of public policy. Of particular importance is the establishment of an effective system of state support for the creative industries in the context of digital and innovative development that has become a global trend.

The regulation and development of the creative industries in Kazakhstan are becoming increasingly relevant, both in theory and in practice, in line with the directives of the Head of State, Kassym-Zhomart Tokayev, regarding widespread digitalization and the diversification of economic sectors.

In his Address to the People of Kazakhstan on 8 September 2025, entitled "Kazakhstan in the Era of Artificial Intelligence: Current Challenges and Solutions through Digital Transformation", the President noted that we are entering an era of widespread digitalization and artificial intelligence and have set ourselves the task of modernizing the economy through the maximum possible adoption of technology [1].

The Head of State consistently emphasizes the need to support the creative industries and to create the best possible conditions for supporting, developing and increasing the competitiveness of the sector.

The sustainable and efficient development of the creative industries requires the introduction of broad state support measures. The state support system comprises a range of legal, financial and organizational measures.

The creative industries sector, which is expected to experience dynamic growth, is directly linked to the creation, distribution and commercialization of creative products. Within these processes, the implementation of digital technologies has become a necessity of our time. In this regard, to ensure the effective development of the sector, it is essential to establish a robust legal framework and a system of state regulation.

At the same time, there is growing interest in the study of the creative industries from an academic perspective. The subject under investigation is also relevant in terms of theoretical considerations and academic debate within the field of law.

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In today's academic landscape, the creative industries are increasingly viewed not as economic entities but as subjects of legal regulation, requiring the development of their own regulatory and institutional framework.

The issue of the legal regulation of the creative industries has been addressed in the works of a number of scholars. For instance, Saraeva [2] argues for the need for a systematic approach to the development of legislation in the creative sector and highlights the fragmentation between different areas of law (*civil, administrative and tax*). The absence of a single regulatory act governing the creative industries leads to uncertainty among market participants and reduces the effectiveness of state support. Meanwhile, Kovalkova [3] considers the prospect of the "law of the creative industries" emerging as an independent legal institution.

According to authors such as Trohirova [4] and Rivchun, Vapniarska and Platonova [5], who have made a significant contribution to the analysis of the legal aspects of state support at the regional level, the mechanisms for supporting the creative industries are strategic in nature, although they are not always backed up by specific legal means of implementation.

Issues of state regulation are also discussed in Cepeleva's work, which clarifies the role of legally established mechanisms in the interaction between the state and entities within the creative industries [6].

Drawing on the work of Gumerova and Shaimieva, the authors examine the creative industries through the lens of intellectual capital. They emphasise the importance of legal protection for the results of intellectual activity. The authors justify the need for regulatory control of concepts such as "fashion", "new media", "museums and galleries" and "copyright", identifying high-potential sectors such as education, architecture and software [7].

Authors such as Turgel, Novokshonova and Chukavina [8] analyzed government policy and the institutional regulatory framework for the creative industries in the countries of the Eurasian Economic Union. They identified legislative gaps in this sector of the economy and put forward proposals for its promotion.

Although legal issues predominate, some studies continue to focus on economic aspects. For example, Dmitriev and Shakurov examine the creative industries as a factor in regional development. However, their findings are also relevant to legal scholarship, as they highlight the need to establish a regulatory framework that enables the sector to realize its economic potential [9].

Among the scholars who have contributed to the development of the legal understanding of the creative industries, it is worth highlighting those authors who have focused on intellectual property issues and examined the impact of transformations and digital technologies on legal regulation. For instance, Ellie Ruslina [10] analyzed the specific features of legal protection for intellectual property in the creative industries, using Indonesia as a case study. The author noted the persistence of problems in the practical application of the law, the low level of legal literacy among stakeholders, and the complexity of legal remedies.

A separate area of research concerns the commercialization of intellectual property. Mawardwita and Nasution present an integrative model for the commercialization of creative output in their work. The authors argue that legal regulation should ensure not only the protection of rights, but also effective mechanisms [11].

In the context of digitalization, it is particularly important to examine the legal status of outputs generated by artificial intelligence. Shumakova, J. Lloyd and Titova [12] analyze the legal gaps associated with the use of generative artificial intelligence in creative fields. The authors discuss the possibility of recognizing artificial intelligence as a subject or object of copyright and emphasize the need to develop new legal mechanisms to reduce the risk of intellectual property rights infringements.

Thus, the relevance of researching the legal framework for state support of the creative industries stems from the need for a more in-depth study of this relatively new and promising sector.

This article aims to examine the legal framework for state support in the context of the creative industries' digitalization in Kazakhstan and to identify ways of improving the regulatory system.

Methods and Materials

The study examined the legal aspects of state support for the creative industries, employing scientific and cognitive (*description, analysis, synthesis, induction, deduction*) and specific legal methods (*discussion of official legal provisions, legal norms, systematic approach, cross-sectoral method*), providing for a comprehensive analysis of the legal regulation of the creative industries.

The research data set comprises the laws, regulations and policy documents in force in the Republic of Kazakhstan that directly or indirectly govern the creative industries. In addition, the article draws on academic works by both international and domestic scholars on the subject under study.

The sources of data include official reports from government bodies, statistical data, analytical materials from international organizations, and official legal databases. Within the chronological scope of the study, particular attention will be paid to regulatory developments (the stage of establishing the legal and institutional framework for state support of the creative industries) during the period from 2021 to 2026.

Results

The development of a legislative framework for the creative industries in Kazakhstan should be viewed as a phased process, taking into account global trends in digital development. It is also necessary to consider the country's internal socio-economic factors.

The law, which was adopted on 18 February 2026, aimed at supporting and developing the creative industries, marked a significant step in this direction. This law will serve as a catalyst for the transformation of the creative industries into legal institutions [13].

This legislation establishes key concepts at the regulatory level. These include concepts such as “entity”, “creative industries worker” and the “Unified Register”. This has defined the scope of participants in the relevant legal relationships. It helps to lay the groundwork for their legal regulation.

This regulatory act complements the competence of the authorized state body in this field, the Ministry of Culture and Information, by monitoring the attraction of private investment in projects in the field of creative industries. Local executive bodies were also given the right to create conditions for self-realization and talent development through the development of entrepreneurship in creative fields. In addition, standards are provided for the protection of the rights of creative industry workers. The legislative recognition of the status of participants in public relations in the creative industry helped to determine their place in the legal system and eliminate the previous uncertainty.

At the same time, this law provides for the creation of a unified register (qazaq-creative) of creative industries in a digital format, which will begin operating in July 2026. This reflects the government's aim to integrate the legal regulation of this sector into the overall digital governance system. Also, the creation of the registry gives a formal character to the activities of the participants, which is the legal basis for confirming the status. Having this status allows you to apply for government support measures.

The online platform is designed to register and keep records of individuals and legal entities engaged in creative activities, a process which will be carried out by an authorized government body. The register enables the systematization of these entities, enhances the transparency of the sector, facilitates the effective provision of support measures, and allows for the monitoring of growth trends [14].

The state support competition must include the following requirements. The participant must be registered as a business entity in the territory of the Republic of Kazakhstan. The absence of outstanding tax debts and other outstanding mandatory payments to the budget at the time of application. At the same time, registration in the register of subjects of creative industries is a prerequisite. In case of non-compliance with the requirements, the applicant does not participate in the competition.

The announcement of the competition is published on the official Internet resource of the authorized body and/or the digital platform of the service organizer. Decisions are made by the commission, a collegial body formed by the authorized body in the field of culture.

The registry's activities are regulated by the sectoral laws on Culture, the Creative Industry and the Rules for Providing State Support to Creative Industries developed by the Ministry of Culture and Information of the Republic of Kazakhstan and adopted on December 29, 2025 [15].

It should also be noted that the legal regulation of the creative industries is cross-sectoral in nature. This can be explained by the fact that it encompasses provisions of civil, tax, administrative and budgetary law. In terms of its comprehensive nature, this can both ensure adaptability and give rise to difficulties associated with the need to reconcile different legal regimes.

In general, the legislation governing the creative sectors is based on the Constitution of the Republic of Kazakhstan and includes the laws “On Culture” and “On Cinematography”, as well as other regulatory legal acts.

The Law “On Culture” is the primary piece of legislation governing culture and creative activities. The Law sets out the government's powers to formulate and implement state policy in the field of culture and the creative sectors, as well as to approve the criteria for classifying business entities as operating in the creative sectors and the list of related economic activities [16].

Moreover, the Concept for the Development of Creative Industries for 2021–2025 (*Decree of the Government of the Republic of Kazakhstan No. 860 of 30 November 2021*) was approved as an additional regulating and strategic tool in this field.

The legal framework can be broadly divided into three stages.

The first is the conceptual stage (2021–2023), during which, based on the Head of State's 2021 Address, a concept for supporting the creative industries was developed and the main institutions were established.

The second stage (2024) can be described as institutional, during which the launch of creative hubs began.

Phase three (2025–2026) — the adoption of regulatory measures, namely laws and regulations providing support.

Thus, the existing regulatory framework has not only established the status and specific characteristics of the entities' activities, but has also created a legal basis for the implementation of state support mechanisms designed to stimulate growth in the context of digital development.

When considering the forms of state support, it should be noted that they are implemented through legal instruments designed to stimulate entrepreneurial activity and create favorable conditions.

First and foremost, tax and legal measures providing tax incentives for entities in the creative industries play a significant role in the state support system.

Since 2024, Kazakhstan has introduced tax incentives for representatives of creative industries, which means that they can work under a special preferential tax regime. This includes exemption from corporate tax, personal income tax and VAT.

Depending on the type of activity, income level and compliance with the conditions established by the tax legislation, the following may be applied:

- special tax regime for the self-employed (Article 715 of the Tax Code of the Republic of Kazakhstan). The self-employed Social security Fund is intended for individuals without sole proprietors who work independently. Income is up to 300 MCI per month, income tax is not paid, there are social payments of 4 %.

- special tax regime based on a simplified declaration (Article 723 of the Tax Code of the Republic of Kazakhstan) the tax code applies to sole proprietors and legal entities, provides for a fixed base tax rate of 4 %, local representative bodies (maslikhats) have the right to lower or raise the base rate to 50 %, the rate in the range from 2 % to 6 %. The turnover limit is 600,000 MCI per year, the number of employees is not limited, and they are not VAT and social taxpayers.

However, activities in the fields of IT, design, advertising, the film industry, music, architecture, media, animation, computer game development, and other creative fields are not included in the list of activities for which the use of the special tax regime is prohibited based on a simplified declaration.

- the generally established taxation regime.

Thus, the subjects of the creative industry have the right to apply the applicable tax laws established by the Tax Code of the Republic of Kazakhstan [17].

Furthermore, the main instrument of state support is the establishment of a special fund. This enables resources to be pooled centrally and provides targeted, transparent support to priority sectors of the economy.

Meanwhile, in Kazakhstan, a special corporate fund for the development of the creative industries was established in 2025 on the instructions of the Head of State. Its activities are aimed at providing systematic support for creative entrepreneurship and expanding the scope of local projects.

For the initial support and early launch of the operation of this fund, the Decision of the Republican Budget Commission allocated funds from the republican budget in the amount of 4 billion tenge, which is only for the first three years. Then the state funding should be stopped, and the fund should switch to a self-sufficiency model. Further financing of the structure will be carried out through reinvestment of income and capital mobilization, which should confirm the economic viability of the creative sector [18].

The main mechanisms include grant funding, infrastructure development and the promotion of exports of products such as IT, design and crafts.

In this regard, the Rules on State Support for the Creative Industries in Kazakhstan were approved by an order of the Deputy Prime Minister—Minister of Culture and Information of the Republic of Kazakhstan dated 29 December 2025.

Broadly speaking, the financial support measures provided by the organization are structured as follows:

1. grant funding—the provision of non-repayable, interest-free, targeted subsidies for the implementation of projects;
2. co-financing mechanisms—co-investment instruments designed to share the financial burden and risks between the fund and external partners;
3. equity-based venture financing—direct investments in shares or the authorized capital of companies with the aim of receiving dividends and investment income in the form of share capitalization.

Non-financial measures include training, promotion, subsidized rental of premises and equipment, as well as legal and marketing support.

These measures will help to create new jobs in the creative industries. They will also lay the foundations for the sector to develop into a fully-fledged economic sector with significant export potential.

The government is also actively working to develop the supporting infrastructure. Examples include the activities of more than 20 creative hubs that are opening across the country.

The creation of platforms to promote creative products in domestic and international markets is also of great importance, which reflects the general trend towards the digitalization of public administration.

In this regard, it should be noted that a film monitoring system called “e-kino” has been developed in the field of cinematography. This system is designed to increase transparency in the film industry. In 2026, the rules governing the information system were updated by an order dated 11 March [19].

Overall, it is clear that digitalization is having a significant impact on the evolution of industries. Digital technologies are seen as a driving force for growth and a prerequisite for the development of the creative sector. Several studies highlight that the creative industries have been growing rapidly in recent years against the backdrop of digital transformation and are becoming an increasingly important trend in entrepreneurship.

Concerning this, the development of creative industries in the digital space, in conditions of rapid technological progress and continuous changes, cannot be achieved without the use of modern technological solutions. These solutions not only enhance operational efficiency but also foster new forms of interaction and lay the groundwork for the commercialization of creative works [20].

As a result, measures to support and stimulate creative industries in Kazakhstan can be presented systematically in accordance with the following table (Table 1).

Table 1

Key government support measures for the creative industries in Kazakhstan

Types of support	Specific measures	Regulatory framework / Key features
Financial measures	- funding; - partial funding; - direct support for creative projects.	Rules governing the provision of state support (29 December 2025, № 693-NQ)
	- joint implementation of projects with private investors; - mobilization of extra-budgetary funds; - a reduction in the state's share.	A mixed funding model
	- support for the export of creative products; - participation in international events; - marketing.	Prioritizing commercialization and entering the global market
	- grant support for start-ups and innovative projects; - awards and scholarships.	Competitive selection
Non-financial measures	- infrastructure support and provision of equipment.	Development of infrastructure facilities
	- marketing, legal and methodological support for projects.	Online services and artificial intelligence tools
	- participation in international platforms, festivals and competitions.	Promoting networking without funding
Institutional measures	- register of Creative Industries Entities	New law dated 18 February 2026
	- Corporate Fund for the Development of Creative Industries, Talent Search	Funding: 3 % from the lottery, the budget, sponsors

Furthermore, the protection of intellectual property has great importance in the digital environment. The issue of content is becoming increasingly pressing as the threat of its unlawful use grows. The state should

therefore continually improve copyright legislation, including the introduction of digital technologies for the registration of rights and the strengthening of penalties for violations.

Discussion

Despite a number of achievements in establishing the legal framework for the development of the creative industries, it is clear that there are problematic issues requiring a systematic and comprehensive solution.

Most importantly, it must be noted that legal regulation is fragmented and the relevant provisions are scattered across various sectors of law. This implies the need for independent sector-specific legislation within the industry.

Experience shows that such sector-specific laws were adopted in 2024 in Russia (*the Law on the Development of Creative Industries*) and Uzbekistan (*the Law on the Creative Economy*). The adoption of such a law by Kazakhstan would enable the creative sector to integrate various forms of regulation into a single ecosystem, providing access to a specific legal status and targeted funding.

In addition, the digital environment presents new challenges for protecting the rights of those working in the creative industries. Overall, many Kazakhstani creators are highly talented. However, they do not always know how to turn their ideas into a source of income. The lack of systematic support for developing business models and promoting and selling their products limits their earning potential within the country.

The problem is that digitalization in the sector remains at a low level. Whereas digital platforms and social media offer great opportunities for promoting and exporting creative products, many creators are unable to make full use of streaming platforms, online sales, digital marketing and freelance work. It reduces their competitiveness at an international level and limits their ability to enter new markets [21].

Moreover, the rapid development of technology, particularly artificial intelligence, is having a twofold impact on the industry. On the one hand, AI tools simplify the content creation process, but on the other hand, they reduce demand for traditional professions such as illustrators, copywriters and designers. This increases pressure on the labor market and prompts some professionals to seek opportunities abroad.

However, by article 23 of the Law “On Artificial Intelligence”, works created with the help of artificial intelligence are protected by copyright in the case of a person’s creative contribution. In addition, the article prohibits the use of works for teaching AI models without the permission of the author or copyright holder [22].

Overcoming these problems requires the implementation of an integrated approach based on the coordination of interaction between the government, the business sector and educational institutions, the development of effective financial instruments and the formation of a sustainable ecosystem that ensures the retention of talent, the intensification of innovation and the progressive development of the domestic market for creative products.

Currently, the creative industries, which play a significant role in the global economy, account for 3 % of global GDP and 6 % of employment [23].

In Kazakhstan, this sector accounts for 1.1 % of GDP. The total value added by the creative industries amounts to 1.5 trillion tenge (1.2 trillion tenge in 2023). The largest segment is IT and game development with a total value added of 638 billion tenge (41 %) (459 billion tenge in 2023) [24].

Furthermore, some improvements were also observed in international rankings. In 2024, Kazakhstan rose from 93rd to 65th place in the “Creative Goods and Services” category of the Global Innovation Index, and from 60th to 31st place in the “National Film Production” category. This positive momentum continued and even strengthened in 2025. The “creative goods and services” category improved to 61st place, whereas “national film production” rose to 29th place [25].

Consequently, the performance indicators for the creative industries are gradually improving. Looking ahead, the task is to adopt a new development strategy for the creative industries for the period 2026–2030. Additionally, as part of the initiative of the President of the country, it is planned to create an association of creative industries in the territory of the member states of the Commonwealth of Independent States. It is important to strike a balance between support and regulation and to ensure that the creative sector is truly competitive.

Conclusions

In recent years, Kazakhstan has introduced a new legal framework for the creative industries and systematic processes of state regulation are underway. One of the key steps in this direction is the adoption this year of a law on the support and development of the creative industries. This regulatory document contrib-

utes to the creation of a new legal framework by introducing a concept relating to an information system (*register*), which has become a key trend in the current phase of digitalization.

Furthermore, the legal support mechanisms introduced (*grants, infrastructure, exports*) strengthen the role of the designated government body responsible for the sector.

However, no matter how rapidly the creative sector develops, legal issues remain an obstacle. Issues such as copyright infringement, inadequate protection of intellectual property and a lack of understanding of content monetization create a situation of uncertainty for creators.

To ensure sustainable development, further improvements to legislation are required. It's necessary to include clarifying regulations on artificial intelligence and copyright, provide creators with training in the basics of the law and strengthen law enforcement. In addition, particular attention must be paid to harmonizing national legislation with international standards and optimal practice. This will enhance the competitiveness of domestic creative works in the global market.

Effective legal provisions designed to regulate the creative sector should not only support existing initiatives, but also attract new investment into this sector.

Consequently, the development of a robust legal framework for state support of the creative industries is becoming increasingly important in the context of digitalization. Effective legal support in this area will help to create favorable conditions for creativity and entrepreneurship and foster their further development.

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Цифрландыру жағдайындағы креативті индустрияларды мемлекеттік қолдаудың құқықтық аспектілері

Мақалада Қазақстандағы креативті индустрияларды мемлекеттік қолдаудың құқықтық аспектілері қарастырылды. Зерттеудің өзектілігі креативті индустриялардың қоғам мен ел экономикасындағы артып келе жатқан рөлімен, сондай-ақ саланы мемлекеттік қолдаудың құқықтық негіздерін қалыптастыру қажеттілігімен негізделді. Мақаланың мақсаты — Қазақстандағы креативті индустрияларды цифрландыру жағдайында мемлекеттік қолдаудың құқықтық негіздерін зерделеу және нормативтік-құқықтық базаны жетілдіру жолдарын айқындау. Зерделеу барысында креативті индустрияларды мемлекеттік қолдаудың тетіктері, өткір мәселелері және оларды жетілдіру бағыттары анықталды. Цифрлық даму жағдайында креативті индустрияларды мемлекеттік қолдаудың тиімді жүйесін қалыптастыру айрықша маңызға ие. Қолданыстағы заңнамалық базаны талдай келе, құқықтық реттеудің институционалдық негіздері, қалыптасу кезеңдері, сондай-ақ әлі де сақталып отырған олқылықтар да талқыланды. Мемлекеттік қолдаудың негізгі формалары мен тетіктері жан-жақты талданды. Зерттеу барысында ресми-құқықтық, жүйелік және талдамалық әдістер қолданылды. Аталған сектор бойынша өзекті проблемалық мәселелерге назар аударып, елдегі креативті индустрияларды мемлекеттік қолдау тетіктерін кешенді дамытуға, заңнаманы жетілдіруге назар аударылды. Алынған нәтижелерді мемлекеттік саясатты жүзеге асыру барысында, сондай-ақ құқықтық нормативтік актілерді әзірлеуде қолдануға болады.

Кілт сөздер: креативті индустриялар, заңнама, зияткерлік меншік, қор, экономика, реестр, цифрландыру, құқықтық реттеу, мемлекеттік қолдау.

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Правовые аспекты государственной поддержки креативных индустрий в условиях цифровизации

В статье рассматриваются правовые аспекты государственной поддержки креативных индустрий в Казахстане. Актуальность исследования обусловлена возрастающей ролью креативных индустрий в экономике общества и страны, а также необходимостью формирования правовых основ государственной поддержки отрасли. Цель статьи — изучить правовые основы государственной поддержки в условиях цифровизации креативных индустрий в Казахстане и определить пути совершенствования нормативно-правовой базы. В ходе изучения выявлены механизмы государственной поддержки креативных индустрий, проблемные вопросы и направления их совершенствования. Особое значение в условиях цифрового развития имеет формирование эффективной системы государственной поддержки креативных индустрий. Проанализирована действующая законодательная база, обсуждены институ-

циональные основы правового регулирования, этапы становления, а также все еще сохраняющиеся пробелы. Всесторонне проанализированы основные формы и механизмы государственной поддержки. В ходе исследования были использованы официально-правовые, системные и аналитические методы. В данном секторе уделено внимание актуальным проблемным вопросам, комплексному развитию механизмов государственной поддержки креативных индустрий в стране, совершенствованию законодательства. Полученные результаты могут быть использованы при реализации государственной политики, а также при разработке правовых нормативных актов.

Ключевые слова: креативные индустрии, законодательство, интеллектуальная собственность, фонд, экономика, реестр, цифровизация, правовое регулирование, государственная поддержка.

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