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# DEVELOPMENT OF LEGAL REGULATION OF BLOCKCHAIN TECHNOLOGIES IN THE REPUBLIC OF KAZAKHSTAN

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Annotation: Blockchain is a very reliable and convenient technology that is gaining traction in developed countries. With the development of this technology, its legal confirmation is needed. In many advanced countries, legal regulation of digital innovations is already being introduced, while in Kazakhstan this process continues to remain unattended, which greatly constrains the prosperity of IT technologies and may further constrain the development of the country as a whole. This article examines the problem of regulating digital technologies at the legislative level in the Republic of Kazakhstan, in particular blockchain technologies. The issues under study will be of interest to specialists in legal and computer science, as well as politicians and public figures.

**Key words:** blockchain, digital, IT, information system, legal regulation.

#### INTRODUCTION

The issues of "digitalization" of society are being actively considered not only at the national, but also at the international level to resolve many urgent, both economic and political, legal problems associated with the digitalization of the world community.

To maintain integration ties between states, the process of forming new types of settlement and credit and information and financial relations is continuously underway. These relations ensure the implementation of operations and transactions using digital platforms and other information and communication technologies. As a result, you can observe how rapidly developing new types of legal relations based on the legal regulation of the use of blockchain technologies in various fields.

With the development of technologies and the development of information and communication space, the automation of economic and legal processes is also taking place, acquiring the latest forms. Consequently, the value of lawyers, brokers and bankers can be overestimated in the context of automation of conclusion and execution of transactions, collection and analysis of information and other processes. According to professors at Harvard Business School, Blockchain technology can become as important as the structural elements of the codes underlying the network [1].

The relevance of the topic lies in the fact that even with the rapid integration of blockchain technologies and their use in a particular area of legal relations, there are still no international treaties and there are gaps in the national regulation of the Republic of Kazakhstan. In particular, the general provisions of the relevant legislation are used. We believe that when regulating relations using blockchain technologies,

there is also a need to take into account all kinds of consequences, for example, the inadmissibility of limiting technological development.

#### MAIN PART

So what exactly is blockchain? Blockchain (from English Blockchain, a chain of blocks) is a technological block chain built according to certain rules, consisting of information, which is based on virtual currencies (cryptocurrencies), in order to achieve a reliable consensus in a distributed system in a way protected from abuse. The blockchain-based registry protects the relevant data, records, stores and tracks all transactions. You cannot change or delete these records. The protection mechanism is cryptographic signatures participants in the transaction, which certify each transaction within the registry [2].

As we can see, this technological block chain is a complex but secure transaction process, which is gradually gaining more and more turnover, and the number of participants in which is also growing.

Even taking into account the fact that blockchain technologies are still at an early stage of development, some states have already taken measures to regulate certain relationships, in the implementation of which the blockchain is used.

The development of regulatory mechanisms for regulating relations using blockchain technologies can indeed have both positive and negative consequences in the long term, since the development of technologies objectively continues, and the legislative framework can restrain it, which, in turn, can lead to frequent introduction changes in legislation and cumbersome, but at the same time narrow legal approaches [3].

A clear regulation of blockchain technologies for its application can be observed in the Blockchain Bill Into Law adopted in March 2017 in the state of Arizona (USA), which qualifies signatures secured by means of blockchain technology and smart - contracts as electronic signatures (signatures drawn up in electronic form).

The state of Vermont (USA) has adopted rules according to which entries in the blockchain registry are admissible evidence in courts [4].

As an example, we can also take the Canadian experience in regulating blockchain technologies, which is interesting for its separate approach to cryptocurrencies. For example, in April 2018, the Ontario Securities Commission (OSC), one of the country's largest regulators, announced the development of Rules for the Regulation of Innovative Digital Currencies, and in February 2018, Canada approved the first Bitcoin ETF [5].

If we consider the experience of the Russian Federation, then it is worth noting the absence of special regulation of blockchain technologies as such, as well as in the Republic of Kazakhstan.

However, there is a legal basis for regulating objects of civil rights, electronic money. According to Article 128 of the Civil Code of the Russian Federation, it classifies things, including cash and documentary securities, other property, including non-cash funds, book-entry securities, property rights, as objects of civil rights; results of work

and provision of services; protected results of intellectual activity and means of individualization equated to them (intellectual property); intangible benefits [6].

Based on the above article, a cryptocurrency implemented on the basis of blockchain technologies can logically be recognized as a different property.

In 2018, the Ministry of Finance of the Russian Federation developed a draft law "About digital financial assets" [7]. According to article 2 of this document digital financial asset - an electronic form of property created using cryptographic means.

This bill is primarily a regulation of relations arising from the creation, release, storage and circulation of digital financial assets. In this regard, the basic concepts have been developed. "Cryptocurrencies", "digital transactions", "register of digital transactions", "Digital recording", "mining", "smart contract" and others.

Having briefly considered the state of legal regulation in foreign countries, we will analyze the regulation of blockchain technologies in the Republic of Kazakhstan.

Today, many projects are being implemented in Kazakhstan, such as: a project for the development of energy-intensive computing and digital mining in cooperation with JSC Kazakhtelecom and the international investor Genesis Mining in Pavlodar data center, a large Blockchain Dala project is being developed in Ekibastuz. In addition, many startups are actively developing systems using blockchain technology.

However, the development of this technology in the Republic of Kazakhstan, on which many IT and finance experts have high hopes, is hampered by the lack of a legislative framework.

"In general, the issue is still not regulated by law. Accordingly, crypto business and cryptocurrencies are in the gray area. We are witnessing a situation when banks are not ready to carry out operations with cryptocurrencies, "said Madi Saken, coordinator of the Blockchain Association [8].

We believe that there is a tendency in the Republic of Kazakhstan associated with the fact that it is more comfortable for government bodies and businesses to implement something if it is spelled out at the level of the law. Experts, in turn, believe that it was possible to follow the path of many developed digital economies that do not regulate the blockchain at the legislative level. But also, in our opinion, legislative regulation in Kazakhstan makes sense in terms of accelerating blockchain technology at the state level.

Diaz Kadyrov, vice president for work with government agencies of the National Association for the Development of Blockchain and Cryptotechnologies of the Republic of Kazakhstan (NADBC RK), believes that so far there is no legal regulation for the development of IT in Kazakhstan, and government agencies are simply afraid to implement something. Therefore, a draft Law of the Republic of Kazakhstan is being developed "On amendments and additions to some legislative acts of the Republic of Kazakhstan on the regulation of digital innovations" [9].

The sphere of informatization and information and communication technologies of the Republic of Kazakhstan is regulated in particular by: the Law of the Republic of Kazakhstan "On Informatization", the Civil Code, the Law "On Communications", the Law "On Licensing", the Law "On Mass Media" and so on.

But at the moment, terms such as "blockchain", "mining", "Smart contract" in the Republic of Kazakhstan is not legally enshrined in any way. Officials each time faced with such terms are not able to understand them, therefore they do not understand how to behave in such a situation. By According to Diaz Kadyrov: "To identify these gaps, legal monitoring was carried out, which showed that the legislation of the Republic of Kazakhstan lacks systemic regulation and a number of important provisions and legal definitions that are necessary to determine the legal relationship arising from the use of digital innovations. The absence of these conditions as a whole hinders the digitalization of the country as a whole"[9].

The expert also noted that at the moment the Ministry of Information and Communications of the Republic of Kazakhstan jointly NIH "Zerde", JSC "NIT" and the National Association for the Development of Blockchain and Cryptotechnologies of the Republic of Kazakhstan (NADBC RK) has developed a draft Concept for this bill. It is now at the stage of agreement with all government agencies and interested organizations. It is expected that after finalizing and agreeing on the Concept, the draft law will be ready for submission to the Parliament of the Republic of Kazakhstan for discussion and further stages of legislative work. Thus, legislation will regulate all innovations, right down to artificial intelligence.

It is worth noting that the development of blockchain technologies has already been designated as one of the tasks of the development of the state within the framework of the state program "Digital Kazakhstan".

Diaz Kadyrov is confident that the blockchain will help improve state information systems and the process of providing public services. From real estate registration and medical records creation.

Based on the above, blockchain is a future that is not that far away anymore. Our goal is to keep up with this time and keep up with other more developed countries. Blockchain has a huge potential for development, it is impossible to limit the scope of its implementation. But we also believe that it is difficult to visualize exactly how it will change or simplify the life of Kazakhstanis.

#### **CONCLUSION**

Summing up, one of the main problems that hinder the implementation of blockchain technologies is the lack of a legal framework. At the moment, the Republic of Kazakhstan does not have a unified legal framework for regulating blockchain technologies, but there is an approved "Digital Kazakhstan" program.

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### РАЗВИТИЕ ПРАВОВОГО РЕГУЛИРОВАНИЯ БЛОКЧЕЙН-ТЕХНОЛОГИЙ В РЕСПУБЛИКЕ КАЗАХСТАН

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Аннотация: Блокчейн - очень надежная и удобная технология, которая набирает обороты в развитых странах. С развитием этой технологии необходимо ее юридическое обоснование. Во многих развитых странах уже вводится правовое регулирование цифровых инноваций, в то время как в Казахстане этот процесс продолжает оставаться без должного внимания, что значительно ограничивает развитие ИТ-технологий и может еще больше сдерживать развитие страны в целом. В данной статье исследуется проблема регулирования цифровых технологий на законодательном уровне в Республике Казахстан, в частности технологий блокчейн. Изучаемые вопросы будут интересны специалистам в области права, информатики, политологии и др.

**Ключевые слова:** блокчейн, диджитал, ИТ, информационная система, правовое регулирование.

### ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДА БЛОКЧЕЙН ТЕХНОЛОГИЯЛАРЫН ҚҰҚЫҚТЫҚ РЕТТЕУДІ ДАМЫТУ

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Түйін: Блокчейн - дамыған елдерде кеңінен таралып келе жатқан өте сенімді және ыңғайлы технология. Осы технологияны дамыта отырып, оның құқықтық тұрғыдан реттелуі аса маңызды. Көптеген дамыған елдерде цифрлық инновацияларды құқықтық реттеу қазірдің өзінде енгізілуде, ал Қазақстанда бұл процесс елеусіз қалуда. Бұл ІТтехнологиялардың өркендеуін едәуір шектейді және тұтастай алғанда елдің дамуына кері ықпал етуі мүмкін. Мақалада Қазақстан Республикасындағы цифрлық технологияларды, атап айтқанда блокчейн технологияларын құқықтық реттеу проблемасы қарастырылған. Зерттелетін мәселелер құқық, информатика, саясаттану жіне өзге де салалардың мамандарына қызықты болады.

**Кілт сөздер:** блокчейн, цифрлық технология, ақпараттық технологиялар, ақпараттық жүйе, құқықтық реттеу.