

EXAMINING LEGAL ASPECTS OF POLITICAL PROTESTS AND THE DEVELOPMENT OF STATE STABILITY IN KAZAKHSTAN

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ABSTRACT

The aim of the study is to identify the characteristics, causes, and development of political protests that took place in the Republic of Kazakhstan. The role of the Collective Security Treaty Organisation in resolving these protests is also examined. The use of a combination of systemic and neo-institutional methodological approaches made it possible to demonstrate that the absence of long-term reforms and transformational processes in the socio-economic and political spheres may lead to the destabilisation of society and the emergence of various elements of so-called “network revolutions” in one form or another. At the same time, an analysis of the causes of socio-political unrest, systemic reshuffles in the top echelons of power, and the investigation process concerning the organisers of the events allows the conclusion that the protests were not another network revolution, but rather reflected an intra-elite conflict and an attempted coup d’état. It was this intra-elite conflict that led to peaceful protests by citizens in the south-western regions of the country on social, labour, and socio-economic issues, which subsequently transformed into political protests and acquired an armed character, threatening the stability of society and the state political system. It is concluded that the state leadership adopted a constructive and flexible policy, using various domestic and interstate institutions to prevent a seizure of power. Among these, a significant role was played by the Collective Security Treaty Organisation, whose actions, while largely symbolic, contributed to stabilising the situation and strengthening state authority.

Keywords: collective security; constitutional order; intra-elite conflict; political protest; state stability.

ANÁLISE DOS ASPECTOS LEGAIS DOS PROTESTOS POLÍTICOS E DO DESENVOLVIMENTO DA ESTABILIDADE ESTATAL NO CAZAQUISTÃO

RESUMO

O objetivo deste estudo é identificar as características, causas e desenvolvimento dos protestos políticos ocorridos na República do Cazaquistão. O papel da Organização do Tratado de Segurança Coletiva na resolução desses protestos também é examinado. A utilização de uma combinação de abordagens metodológicas sistêmicas e neoinstitucionais permitiu demonstrar que a ausência de reformas de longo prazo e de processos de transformação nas esferas socioeconômica e política pode levar à desestabilização da sociedade e ao surgimento de

diversos elementos das chamadas “revoluções em rede”, de uma forma ou de outra. Ao mesmo tempo, uma análise das causas da agitação sociopolítica, das mudanças sistêmicas nos escalões superiores do poder e do processo de investigação dos organizadores dos eventos permite concluir que os protestos não foram mais uma revolução em rede, mas sim um reflexo de um conflito intra-elite e de uma tentativa de golpe de Estado. Foi esse conflito intra-elite que levou a protestos pacíficos de cidadãos nas regiões sudoeste do país sobre questões sociais, trabalhistas e socioeconômicas, os quais posteriormente se transformaram em protestos políticos e adquiriram caráter armado, ameaçando a estabilidade da sociedade e o sistema político do Estado. Conclui-se que a liderança estatal adotou uma política construtiva e flexível, utilizando diversas instituições nacionais e interestatais para evitar a tomada do poder. Entre elas, desempenhou um papel significativo a Organização do Tratado de Segurança Coletiva, cujas ações, embora em grande parte simbólicas, contribuíram para estabilizar a situação e fortalecer a autoridade do Estado.

Palavras-chave: segurança coletiva; ordem constitucional; conflito intra-elite; protesto político; estabilidade do estado.

1 INTRODUCTION

Nazarbayev's nearly three decades in power have contributed to the emergence of Kazakhstan as an economically self-sufficient state by post-Soviet standards, due to the presence of large hydrocarbon reserves on its territory, the development of the energy sector, and the attraction of foreign investors to it. With his vast experience in state governance, Nazarbayev has managed to build a balanced national policy, despite occasional ethnic protests in various cities across the country (Ponomareva; Rudov, 2010), as well as a fairly pluralistic political system compared to other Central Asian countries (with the possible exception of Kyrgyzstan). The political stability has also been strengthened by a successful multi-vector foreign policy, which has a strong focus on relations with the Russian Federation.

Overall, despite the country's economic and political prosperity, the presence of cronyism, corruption, autocratic mechanisms of state governance, and diminishing social lifts for interaction between society and the authorities reduced the level of legitimacy of the political elite in the eyes of the population (Shkel, 2009). The coronavirus pandemic has worsened the socio-economic situation: this comprised falling real incomes of citizens, unemployment, rising inflation, and over-indebtedness of the population.

Against this background, the political protests that took place in Kazakhstan represented not only a socio-political crisis, but also a significant challenge to constitutional order, public authority, and the legal mechanisms of emergency governance. In the absence of meaningful processes of economic modernisation, economic diversification, and in the conditions of narrowing opportunities for the younger generation to pursue economic activities in various sectors, an ill-conceived policy to raise gas prices in one region of the country became a trigger

for first social and then political protests. These developments raise important legal questions concerning the domestic basis of the state of emergency, the legality of measures adopted by public authorities, and the role of interstate security mechanisms in restoring stability.

On the other hand, any other process could have been a factor of social discontent, as could be observed in countries that have experienced "network revolutions" (Georgia, Egypt, Yemen, Tunisia, Ukraine, etc.). The main reason for the events that took place, to which, however, the authorities reacted in a timely and adequate manner, was the stagnation of economic and political processes and the lack of necessary reforms.

In the academic and analytical literature, the events have been interpreted in different ways, including as manifestations of social discontent, external influence, or elements of so-called "network revolutions." However, such interpretations often remain predominantly political and do not sufficiently address the legal dimension of crisis response, including constitutional constraints, human rights obligations, and the legal framework governing the use of force and collective security instruments.

The political protests of 2022 have started in the city of Zhanaozen, Mangistau Province of Kazakhstan, being rather turbulent and sensitive to fluctuations of hydrocarbon prices (in particular, gas). It is worth noting that the social unrest in this small city has been a permanent phenomenon since 2008. In 2011, a mass strike by oil workers escalated into major riots, which were quite violently suppressed by the police, followed by a series of investigations into both protesters and law enforcement officials, some of which received significant publicity both inside and outside the country (IA Rex, 2013).

As in 2022, the unrest taken place eleven years ago was social and socio-economic in nature, but with little or no political content. The main demands of the protesters were related to the need for better working conditions and wage increases. The regional and central authorities did not act decisively to resolve the conflict in a timely manner and were reluctant to deal with the situation, believing that it would resolve itself. The consequences are well known.

The south-western regions of Kazakhstan are a rather turbulent region in terms of socio-economic stability. There are several explanations for the situation in Mangistau. The first is the drop in energy prices in 2013-2014, which has had an impact both on the well-being of citizens and on the development of industrial enterprises, which are mainly oil and gas producers. The second is the population's distrust of party and, more generally, state authorities at municipal and regional levels. This significantly reduces both vertical and horizontal mobility of the younger generation at the political and civic levels. Alienation of population from power

and from political decision-making generates social apathy. Kazakhstani scientists Smagulov and Nasimova (2016, p. 44) described the processes taking place in the republic in the following words: "Total control of the party field by the authorities, elimination of real opposition political parties, prohibition of rallies unauthorised by the authorities, state control over practically all mass media have made it impossible for the protest electorate and citizens who disagree with the policy of the authorities to express any alternative viewpoint". Regarding electoral politics, researcher Kaznacheev (2014) agrees with them, noting that "'the electorate' of the authorities are not citizens, but fully managed and controlled electoral commissions, which will 'draw' any result in the elections". Certainly, the lack of change in these issues is fraught with the risk of upsetting social and political stability.

The third reason is low average per capita wages, high poverty rates, and internal and external migration. Decent wages are received mainly by the workers of oil companies, while in other sectors, mainly in agriculture, they are several times lower. The oil sector is not the most labour-intensive, and periodic job cuts in this sector have contributed to a drop in the labour market and an increase in unemployment.

Migration, especially internal rural to urban migration, adds an additional conflict-generating factor to the emergence of social and political protests, creating additional pressure on local labour markets and social infrastructure (Smagulov; Nasimova, 2016). There is considerable competition for jobs between migrants and the host environment, both in the oil sector and in other sectors. However, the lack of necessary education, work experience in technological industries and the desire for a well-paid job cause problematic and conflicting situations, ranging from the domestic to the political level. In addition, poorly controlled migration introduces elements of rural culture to cities and contributes to their marginalisation process.

The aim of this study is to identify the characteristics, causes, and development of political protests in Kazakhstan, as well as to examine the role of the Collective Security Treaty Organisation in their resolution. Particular attention is paid to legal aspects of crisis governance, including the interaction between domestic institutional mechanisms and interstate security arrangements.

At the same time, the article considers the hypothesis that the events in Kazakhstan were not solely an example of a "network revolution", but may reflect elements of an intra-elite conflict and attempts at redistribution of power within the state apparatus. In this regard, the paper distinguishes between verified facts, publicly available allegations, and authorial interpretation, and evaluates sources in terms of their credibility, institutional origin, and degree

of corroboration. Alternative explanations, including decentralised protest dynamics and opportunistic criminal activity, are also taken into account.

2 METHODS

This study used a systems methodological approach, which involves considering a social or political process according to the so-called integrative principle; the study considers a set of interrelated activities that give rise to relations or systemic relationships revealed through the concepts of interaction, complementarity, and interpenetration (Almond; Verba, 1963, p. 261-299; Easton, 1953; Parsons, 2002, p. 96-147). This approach has made it possible to identify the conditions and causes that led to the mass unrest in Kazakhstan in January 2022, among which socio-economic and political factors played a significant role; this approach has made it possible to trace the dynamics of the protests as well. The application of systems analysis methodology was instrumental in revealing and explaining the behaviour of different actors of political protests (social categories of the population, state and political institutions, their representatives, who were participants of the intra-elite conflict, organized crime groups, and illegal armed groups). The paper reveals the structure of the conflict between political elites and the role of its actors in the development and resolution of the confrontation. Based on the works of D. Easton and the content of the politicisation phenomenon developed in them, the conditions of transformation of social protests into political ones were shown.

The application of the neo-institutional approach facilitated the study of the political institutions involved in the conflict in the relationship between formal norms and informal attitudes ("rules of the game") (Hall; Taylor, 1996), which, as a result of the protests, have formed complex organisational relationships in society, that have escalated from a state of relative stability to armed conflict. Institutions are seen as dependent variables (Peters, 1999), interacting with other social phenomena, in particular socio-cultural traditions and customs, and clan-elite processes. The latter play a very important role in holding public office, making managerial decisions, and maintaining political stability in the country. By using the theoretical groundwork of behaviorists, neo-institutionalism has acted as an important tool to analyze the behavior of individuals and social groups involved in intra-elite conflict and its impact on the relationship between society and power, showing the features and regularities of political reality formation in which society and state find themselves. Application of this methodological approach has made it possible to identify motives, values, goals of the parties of the conflict between political elites, some representatives of which have attempted a coup d'état in spite of

the legitimately acting political institutions and taking into account their own selfish interests. All these actors of internal political processes in Kazakhstan appear in this study as elements of a systematic description, which demonstrates their constant and diverse interaction in the form of integration of available information and political decision-making, which initially had a conflict nature, and as the implementation of power shifts contributed to the stabilization of the situation in the country.

At the same time, the present study distinguishes between verified facts, public allegations, and authorial interpretation. Assertions concerning the roles of particular political actors are treated as inferential unless corroborated by official documents, judicial materials, parliamentary records, presidential decrees, or multiple independent sources. In order to reduce the risk of one-sided interpretation, the analysis applies three source-evaluation criteria: credibility of the source, institutional independence, and degree of corroboration. Alternative explanatory scenarios, including decentralised criminal opportunism, spontaneous protest diffusion, and coordinated elite action, are also taken into account.

In addition to the systemic and neo-institutional approaches, the paper uses elements of doctrinal legal analysis. This makes it possible to examine the formal legal framework of the events, including the domestic legal basis of the state of emergency, the relevant decrees and institutional acts, and the legal grounds for the involvement of the Collective Security Treaty Organisation. Such an approach is necessary in order to assess not only political developments, but also the legality of state response and the operation of interstate security mechanisms.

The paper also presents the data of the sociological survey "Youth of Kazakhstan", conducted by the Ministry of Information and Public Development of the Republic by means of a mass survey in 2020 (Research Center "Youth", 2021, p. 128-159). The object of the study was young people aged 14 to 28, whose socio-demographic and territorial characteristics were the criteria for selection. The volume of the sampling frame was 2,000 respondents; it territorially covered such cities of national importance as Nur-Sultan, Almaty, Shymkent, all regional centres, some small towns, and rural settlements. The distribution by sex and age was even. The use of empirical data has helped to identify the various causes that were able to become catalysts of political protests, as well as to show the level of protest activity of citizens in those regions of the country where social unrest took place. The survey data are used here as contextual background reflecting pre-crisis socio-economic perceptions among young people, not as direct evidence of the motives or behaviour of the 2022 protest participants.

This methodology has allowed to conduct a detailed study of the political protests and the specifics of the development and end of the intra-elite conflict in Kazakhstan.

3 RESULTS

3.1. Socio-economic background of protest vulnerability

In the context of the above, it cannot be overlooked that today in Kazakhstan there is a need for a policy oriented towards different sectors and groups of the population both in rural settlements and in cities. It must be timely, be adequate in accordance with existing realities eliminating the burden on sectors of the social sphere and economy, that causes conflicts in the society and its various manifestations. This is a very important process for Kazakh society, taking into account the fact that the average age of the country's population is 31.94 years (Embassy of the Republic of Kazakhstan in the Russian Federation, 2021). This means, that the population is mainly the younger generation, which is most susceptible to any crisis processes and is more active in developing social or political protests. The events of January 2022 demonstrated this quite clearly.

If we look at the results of sociological research on the pressing issues that concern the younger generation, the reasons that may have led to the recent unrest become unsurprising. Despite the fact that the research was commissioned by public authorities, the problems identified are of great concern in Kazakhstan and require the most serious solutions. Thus, in the block of research "The socio-economic situation of young people", the anxiety of this group was measured. The results show that young people rate their satisfaction with their current life situation quite highly. At the same time, only 52.1% of respondents are completely satisfied with their current life situation, 37.7% are "somewhat satisfied", and 9.1% are not satisfied. In rural areas, slightly more people are satisfied with various indicators of their lives, 59.3% (Research Center "Youth", 2021, p. 128).

The following may be cited, if speaking of the problems troubling young people: "concern for their lives and the lives of their relatives" - 32.9%, "to be left without material means of subsistence" - 24.1%, "study-related problems" - 21.6%, "problems with employment" - 19.6%, "high level of corruption in the country" - 14.3%, "not to realize themselves in life" - 13.4%, "to lose a job" - 12.6%, "unstable situation in the country and the world" - 11.3%. These difficulties are of the greatest concern to various groups of young people. While the first of these is related to the epidemiological situation that began in the country in 2019, the other problems are mostly permanent in one way or another and can be a trigger for social unrest, given their urgency. However, the emergence of social protests largely depends

on the specific situation and attempts to pacify them by economic and political actors, the means and resources available to them. Risks are certainly always present and, as the survey shows, 84.5% of those surveyed "look to the future with confidence and optimism", but at the same time "calmly, without illusions or hopes" (Research Center "Youth", 2021, p. 129).

The distribution of respondents' answers to the question "What, in your opinion, is necessary for young people to feel confident and be able to develop" is interesting in the data obtained in the survey. Kazakhstani young people gave first place to a stable job (52.8%), second and third place to their own housing and decent income (40.9% and 39.9%, respectively). Other answers included the following: "the opportunity to start their own business" (26.6%), "accessible and quality education" (25.7%), "developed social and cultural infrastructure" (19.1%), "right to choose" (16.4%), "high level of law enforcement" (6.9%), and "difficult to answer" (1.5%). Important reasons that hinder young people's realization in the socio-economic and political spheres included "corruption and bureaucracy" (29.3%), "poverty, poor economic conditions" (20.3%), "lack of practical skills, experience" (18.2%), "lack of jobs" and "competition between people" (16.8% and 16.2%), "lack of government programmes, support and development measures for young people" (15.9%), "living in a small town/village" (11.8%) (Research Center "Youth", 2021, p. 131).

These and many other reasons confirm the relevance of the problems of socio-economic block of state development, which can become potential factors of political protests, as it happened in January 2022 in Mangistau region of Kazakhstan. For rural settlements, if we weigh the results of empirical data obtained from the survey, the problems noted are more relevant, given such value orientations for young people as family, financially secure life, education and career, availability of institutions of interaction with the authorities and the realization of themselves in the political sphere, transparency in the functioning of the political regime, and the dynamic pace of life and high mobility can give additional difficulties in the implementation of migration and professional realization. Hopefully, economic and political reforms announced by Kazakhstani President K.J. Tokayev after the end of the political protests will substantially solve the identified problems. These data indicate the existence of structural socio-economic vulnerabilities that may have increased the sensitivity of certain regions and social groups to protest mobilisation. At the same time, these findings are used here as contextual background rather than as direct evidence of protest participation in 2022.

3.2. Competing interpretations of the events and protest escalation

In the scientific literature and mass media, there are different assessments of the events of January 2022 in Kazakhstan. The first position is that the protests were caused by social (e.g. a strong social stratification in the society), as well as political problems (the population was dissatisfied with the ruling system under which the former president of the republic remained the informal head of state) (Kortunov, 2022). The second position assumes that external influence was exercised behind the unrest in the country through professional groups of militant Islamists. In particular, this view is held by the orientalist scholar E.Y. Satanovsky, who noted that "the 'so-called' peaceful protesters are skilled in street fighting and do not face the security forces the way ordinary people in the country would" (Sovina, 2022). Finally, the third position represents the views of European Union officials, who believe that these are peaceful protests and that the republic's authorities should respect the rights and freedoms of its citizens and fulfil their international obligations in this context (Voyennoye obozreniye, 2022).

In assessing the events that took place, it is necessary to consider all three positions together and to analyse them thoroughly. All of them took place in Kazakhstan, but the extent to which they influenced the emergence and dynamics of the political protests is different. It is not possible to deny the internal political nature of the protests in the post-Soviet republic based on their content, despite the fact that the external factor in a certain sense determined their course. Initially the events were localised and, in some ways, even spontaneous, and the local authorities did not pay any serious attention to this. The situation changed rapidly once the protests became widespread and spread to many cities across the country. President Tokayev chose a very constructive and flexible policy, making significant concessions to the protesters: freezing prices for basic services, cancelling fuel price increase, dissolving the government, reshuffling the security forces, and taking harsh measures against radicals and extremists. The content of the measures taken and the rapid response to the events contributed to the ideological "dismantling" of the socio-economic and political demands of citizens, while the very fact of the deployment of CSTO peacekeeping forces negated the protesters' largely groundless attempts to permanently destabilise the political regime.

An important argument in support of the domestic causes of the January events seems to be that they were not a classic 'colour revolution' scenario, as could have happened in Belarus or took place in Georgia and Ukraine, but in many ways reflected the conflict within the political elites represented by the new government and the team of the former president, Nazarbayev, who continued to hold important government positions in the republic and influence political decision-making. The protesters were dissatisfied with the difficult socio-economic situation, which is increasingly affecting ordinary citizens day by day, and the political regime, which is

largely autocratic in its content. The unrest was caused by the lack of pressing reforms, which the former government had not implemented for a long time, rather than by a desire to bring about fundamental changes in the regime. This was quite clearly reflected in the actions of the protesters (shouting slogans "Kazakhstan, Go Ahead" and "Old Man, go away", burning the former presidential residence in Almaty, demolishing the monument to N. Nazarbayev in Taldykorgan, etc.).

The Western countries were also not interested in carrying out a 'network revolution' in the country in one form or another. Despite the presence in Kazakhstan of more than twenty thousand NGOs, including foreign ones, they were not particularly active in this regard. The post-Soviet republic suited both European countries and the US with its multi-vector nature, and destabilisation in that country could threaten the economic and political interests of those countries and the potential emergence of various conflicts in the Central Asian region. The US still sees Kazakhstan as a possible military and logistical location to fight the Taliban after the withdrawal of US troops from Afghanistan. The reaction of the European Union has been rather weak, with its officials using the traditional diplomatic rhetoric typical of such situations and threatening sanctions in case of serious violations of citizens' rights to protest (Voyennoye obozreniye, 2022).

The materials analysed in this study show that the protests were localised and largely social in character; however, as they spread geographically and acquired a more confrontational form, their interpretation became more contested. The available evidence suggests that socio-economic grievances, institutional weaknesses, and political conflict interacted in the escalation process.

Overall, the results of the analysis allow the following conclusions. First, the protests emerged in a context of significant socio-economic vulnerability, particularly in the south-western regions of Kazakhstan. Second, the unrest evolved from local social protest into broader political confrontation. Third, the escalation was accompanied by institutional disruption and competing interpretations of its causes and organisers. Fourth, the state response combined domestic emergency measures with the involvement of interstate security mechanisms. These findings form the basis for the subsequent legal and doctrinal discussion of constitutional order, emergency governance, and the role of the CSTO.

3.3. Escalation and radicalisation of the protests

As the analysis shows, the radicalisation of the population in Kazakhstan did not take

place immediately. For the first two or three days, they were peaceful, but their rapid spread from the south-western regions to other regions of the country and major cities, as well as the intra-elite struggle, contributed to a sharp escalation of the situation. In contrast to the recent events in Belarus, where protesters held mostly peaceful actions and in which opposition leaders clearly emerged, or in Ukraine in 2013-2014, where the population rallied around various groups on ideological grounds, some of which were extremely radical, the protests in Kazakhstan followed a different scenario.

Their distinctive features were avalanche-like, spontaneous, a significant degree of criminalisation, and a lack of obvious leaders. And all this happened in a fairly short period of time. It seems to me correct that apart from socio-economic factors, the reason for this was the absence of a single decision-making centre as a result of the intra-elite struggle that had begun. The Security Council of the Republic of Kazakhstan, headed by N. Nazarbayev, was not acting at its full capacity as this was necessary for a co-ordinating body of power structures and agencies. According to CNN analysts, the head of the National Security Committee, K. Masimov, who headed the main intelligence agency and was a member of the former president's team, said on the eve of his dismissal that Tokayev had lost the trust of the Nazarbayev family and "his time was over" (Lister, 2022).

As a result of the unspoken "dual power", Tokayev found it quite difficult to make decisions appropriate to the situation. This explains some of the confusion and even paralysis in the actions of the law enforcement agencies, whose officers partially took the side of the protesters. As a result, the protests began to become criminalised (arson of property, looting, violence and murder, emergence of criminal gangs, etc.). At the same time, the question remains as to who were the main organisers of the January protests and whether there were clear leaders. The social unrest came as a surprise to both K.-J. Tokayev and former President Nazarbayev and his team, and its advance planning by anyone seems unlikely, even despite the increasingly evident competition of political elites. N. Nazarbayev himself identified a successor to the presidency in 2019, and in the last months of 2021 he began to hand over one post after another. According to S. Pritchkin, senior researcher at the IMEMO RAS Centre for Post-Soviet Studies, "Everything was heading towards the point where, at one point, the first president would be ready to hand over the reins of power to his successor" (Sarjveladze, 2022). The available materials suggest, this point of view is worth agreeing with, and the crisis situation was a convenient opportunity for the new president to take full control of the country's leadership.

3.4. Interpretations of elite involvement in the protests

Now, after protests ended many analysts and experts agree that individual members of Nazarbayev's team and the so-called 'family' were their main organisers. This view follows logically from subsequent events involving the arrests of high-ranking officials and a series of investigations following the January events. A matter of conjecture is to what extent this information corresponds to reality, given the closed nature of much of it. Based on information provided by law enforcement agencies, the media and civil society organisations, the situation is likely to have developed in this way.

In my view, the viewpoint in question is set out in its fullest form in the paper 'Analysis of the January events in Kazakhstan' posted on the website of the Catechon Analytical Centre. It does not deny the fact of an intra-elite struggle and incomplete transition of power, but stresses that there was a plot and attempted coup d'etat during the political protests. The author of the paper thinks that this can be explained by following circumstances: "...absence of order to security forces to respond to provocations of "destructive elements", surrender of National Security Committee building and the airport in Almaty to militants. The detention of K. Masimov, who was considered one of the people closest to N. Nazarbayev for 20 years, speaks most in favour of this version" (Kurylev, 2022).

It is also noted that the former president was probably incapacitated during the protests and his life was threatened, which in turn provoked the competing elites to fight and two possible outcomes emerged. The first suggests that the incumbent president, Tokayev, would win and take full power. The second suggests that "the so-called 'family' has decided to dispose of the weak president in favour of one of its members. The key instrument for the 'family' in securing its interests was to be the National Security Committee (NSC), i.e. its head" (Kurylev, 2022).

Based on the content of the publication, the immediate organisers of the protests were Nazarbayev's nephews Samat Abish and Kairat Satybaldy. The protests were driven by the marginalised population of the southern regions of Kazakhstan, "infiltrated by 'repentant' Kazakhs returning from Syria, with experience of combat operations, who were controlled by the NSC" (Kurylev, 2022). A significant role in the radicalisation and criminalisation of the January events was played by K. Satybaldy, who is considered the richest man in the country and the informal leader of religious radicals as well as illegal paramilitary units in the south of the republic. As a result the authors conclude that "...it is difficult to explain otherwise that the authorities were unable for several days to solve the problem and impose order. It is impossible to believe in some kind of intervention of 20,000 terrorists from outside, and K. Tokayev

himself, who announced these figures on January 5, never came back to them again" (Kurylev, 2022).

To date, this version of the causes and characteristics of the organisation of such a large-scale political protest, in which armed action also took place, is one of the most widely cited interpretations. However, it is important to make a number of important clarifications and additions in order to present a full picture of the events that took place.

The actions taken by the nephews of the first president and some members of his team (mostly officials of lower ranking state structures and, above all, of the NSC) were a consequence of the transit of power, which began in 2019. N. Nazarbayev's gradual withdrawal from the political system contributed to the estrangement of his team members from their leader and the need to pursue independent policies, including those aimed at maintaining their own power and political and economic leverage in the country. The clan-elite conflict that has taken place is complex and has two levels, the first of which is represented by president K.-J. Tokayev and N.

Nazarbayev's team or wider 'family' and the second by a confrontation within this team, when the nephews went into open conflict with the acting head of state not in alliance but in conflict with the 'Father of the Nation'. The evidence examined may indicate that these actions were a political plot and an attempt to overthrow President Tokayev, whom they regarded as more of a technical figure than a legitimate president elected by the people, judging by the logic of events. Tokayev did not have the strong kinship-based team that the first president had. He was elected as the most neutral figure, more distant from Nazarbayev's family, a politician who has spent many years in the diplomatic service, and who now holds out hope for long overdue economic and political reforms.

Analysis of the protests and socio-political processes in the country showed that the actions of the NSC head, K. Masimov, his deputy S. Abish, as well as K. Satybaldy, who held various government positions and has big business in the country under Nazarbayev, would in any case have been unsuccessful. The coup attempt can be seen as a desperate move to retain power, to the detriment of national interests and state security. Both internal and external conditions were not conducive to this. First of all, even with a successful coup attempt, such a person would not receive the necessary legitimacy from the population, tired of Nazarbaev's many years of rule.

A person from power structures and former president's team would be perceived as a successor of N. Nazarbaev's policy which could cause next protests with more serious consequences. Secondly, K. Tokayev's domestic politics suited both Russia and other post-

Soviet countries. None of these heads of state were interested in destabilising the situation in any way, with an unpredictable outcome. Of course, there was another version of the protests which could have been limited to peaceful actions, while the members of N. Nazarbayev's team, who essentially organised banditry and terror against their own people, could not implement this. This was done, for example, by the ex-president's daughters and their families, who chose not to openly intervene in the intra-elite conflict, which allowed them to retain some economic and political positions as well as assets in foreign banks. This would have been the best scenario for them in the context of K.-J. Tokayev's transit of power.

3.5. Criminalisation, security structures, and protest waves

Despite this, a different way of resolving the conflict has been chosen. Media reports suggest that S. Abish and K. Satybaldy, while holding high government positions, including in the security forces, could organise and finance various criminal elements (OCG, radical Islamists, private paramilitary brigades) and then bring them to the streets (Kislov, 2022). While the protests were initially peaceful, they became radicalised as they expanded geographically, and particularly to Almaty. This was attributed to the involvement of criminal groups. At the same time, it should be noted that the main mass of protesters were peaceful citizens, but after the introduction of the state of emergency, first in certain regions and then throughout the country, some of them began to disperse, and radical elements intensified and carried out riots with the use of firearms. The fact that the unrest occurred spontaneously, while radicals promptly obtained weapons, seized many administrative buildings and security agencies without much resistance from law enforcement agencies and carried out debacles there, is very surprising. All this suggests well-organised support for the protesters by the security forces, a system of "double subordination" in which law enforcement officers did not understand which command to follow, and fits in well with the scheme of events described above.

Byalyi (2022), an analyst of the newspaper "The essence of time", identifies several waves in the political protests in Kazakhstan. The first wave were actually peaceful protests with spontaneous leaders and organisers that lasted for 2-3 days and may have been sponsored by Western NGOs. The second wave was the emergence of so-called "second" protesters, who began to proclaim Islamic slogans and whose actions were already quite coordinated. In essence, these were the first groups of radical Islamists who organised banditry, looting, in other words, criminality, and armed resistance to law enforcement.

According to former Nazarbayev's adviser E. Ert. Yertysbayev, a former advisor to N.

Nazarbayev, they were members of "secret camps set up by the NSC in the southern regions of the country in the Zaili Alatau mountains" (Byalyi, 2022). The third wave were the more hard-line radicals, skilled in good guerrilla tactics for urban warfare using the "network swarming" method, which consisted of the following "select the target of the strike, concentrate and gather the crowd, strike and disperse" (Byalyi, 2022). Further action to create a general disorder was left to various marginal elements, mainly those coming from rural areas and auls, dissatisfied with their socio-economic situation.

A study of the development of the elite-clan conflict and its conditions suggests that the former leadership of the National Security Committee has been cited in several sources as potentially involved in the organisation of the protests at the state level. According to numerous media reports, K. Satybaldy and S. Khoroshimbekov were the main protesters. Satybaldy and S. Abish proved the most recalcitrant members of Nazarbayev's "family", which found K.J. Tokayev too unreliable and soft a president to retain their property and power, which could be claimed by members of other clans. Nazarbayev's nephews justified the legitimacy of their actions by claiming that law enforcement agencies were on the side of the protesters and were united with them in their demands.

Having full information about the actions and movements of police officers, the leadership of the NSC had little difficulty in organising street protests in parallel in the way they wanted. At the same time, President Tokayev began to speak of an external threat to the country and its security from international terrorist groups and the need to unite the population against this danger. Further resignations and reshuffles in the authorities, a request for CSTO assistance and assurances to continue the reforms he had initiated convinced the population of the correctness of his actions regarding the nature of the developments and measures to resolve the unrest.

4 DISCUSSION

4.1. Intra-elite conflict and the reconfiguration of power

Regardless of who was behind the organisers of the protests and who led them, it is now quite obvious that the unrest facilitated the transition of a latent conflict within the elites into an open confrontation between the parties, although of a "behind the scenes" nature, in which the current President Tokayev and his team were fairly able to win quickly. The fact that during the disorders in the country the conflict of political elites was actively unfolding is confirmed

by the absence of the former head of the state N. Nazarbayev in the mass media. Only on 18 January, a few days after the end of the protests, he gave a video address to the people calling himself a pensioner, and noted that there were no intra-elite conflicts in the country, and that the current president, who was elected back in 2019, had full power.

In contrast to a number of analytical media sources who say that Nazarbayev almost "without a fight" surrendered all his positions and lost key government positions, the author of the paper holds a different opinion. It is hard to be sure, but temporary disappearance of Nazarbayev from the public politics indicates that there was a struggle between two elites for sharing of state, which affected him and those who were in his team, his cronies and finally his "family". At the same time, taking into consideration the age of the first president of Kazakhstan and his increasingly evident retirement from politics, the bargaining had more to do with those state positions, which were occupied by his team and "family".

However, to all appearances, K. Tokayev has taken a sufficiently tough position in these 'negotiations', and the aggravating crisis situation, including the intervention of the CSTO, has helped him in this. The systemic capture of key positions in the country can be explained by the fact that, in such circumstances, the issues of security and stability in the country as well as personal security of himself and his family have come to the fore for N. Nazarbayev.

An analysis of the political situation in the country a few months after the protests leads to the conclusion that the removal of representatives of Nazarbayev's team and of Nazarbayev himself from public office is more of a dismissal and forced resignation than a voluntary resignation. Such was the case during the protests, when President Tokayev replaced Nazarbayev as the head of the Security Council of Kazakhstan and soon thereafter dismissed the head of the National Security Committee, K. Massimov, and his deputies, A. Sadykulov and D. Yergozhin, against whom the investigating authorities brought charges of abuse of office, treason and seizing of power by force. Another deputy, Samat Abish, who is a nephew of the former head of state, was dismissed after the protests ended. These were some of the first dismissals linked to political protests. Given the importance of these structures for the country's national security, the charges brought against some of their leaders suggest the existence of a clear intra-elite conflict, the untimely resolution of which could have had more serious consequences for the state.

Even during the ongoing protests in the streets of the country, K.-J. Tokayev, speaking at a meeting of the lower house of the Kazakh parliament, laid the main blame for the threat posed by the protests on the country's main intelligence agency. He stated that "the National Security Committee, as the authorised body, was unable and unwilling to give a clear

assessment of this subversive work" (Official website of the President of the Republic of Kazakhstan, 2022). Judging by the arrests and the charges brought, almost the entire 'top' of the NSC was involved in organising the protests. It is difficult to say what was the specific role of the head of this influential agency, K. Masimov; however, it is obvious that if he did not openly support the actions of his subordinates, he certainly tacitly approved them.

In this context, the story about attracting radical Islamists to participate in the protests is interesting; researchers link the emergence of these radicals to the names of Nazarbayev's nephews. So, the well-known historian scholar A. Zubov holds a similar point of view: "I think they were preparing for such a version of the answer long ago, having put like-minded radical Islamists on all the important posts in the security agencies of the country, especially in the southern regions. And so, when Tokayev, having frightened by the size of the peaceful protests that were already demanding his removal, decided to call in his troops, the troops did not come out. General Samat Abish gave a different order. And Almaty, the city with two millions of population, abandoned by law enforcers, have started to be poured into... by the people from auls, like-minded with and loyal to both the Taliban and their powerful supporters in Kazakh elite" (Kislov, 2022).

For several years now, the media have been circulating information about the training of paramilitary groups of religious radicals in special camps in the southern regions of the country; they are well structured and financed, and their informal leader was N. Nazarbaev's nephew K. Satybaldy. The strengthening of the process of Islamisation in the south-western towns and villages of the republic is of an internal nature and is linked to the above-mentioned fact. Participation of tens of thousands of militants from foreign terrorist organizations in political protests seems to be unlikely; in the best case, we can speak about activation in armed disturbances of several hundreds of Kazakhs who returned from Syria and took up arms again.

From a comparative legal perspective, the response of the state should be grounded not only in considerations of political order, but be aligned with the state's international human rights law obligations, since Article 21 of the International Covenant on Civil and Political Rights (ICCPR), governing the right to peaceful assembly, imposes legal conditions for lawful, necessary and proportionate restriction. Likewise, the UN Human Rights Committee's General Comment No. 37 clarifies that use of violence by some participants does not strip others of their rights and that police responses must still be differentiated and proportional (UN Human Rights Committee, 2020). These standards are relevant to the case of Kazakhstan as they provide legal standards against which the policing of assemblies, use of force, and detention practices during unrest can be assessed.

A parallel may be drawn with the OSCE Moscow Mechanism report on Belarus in 2020. It documented excessive use of force, mass detentions and other violations connected with suppression of assemblies. In Belarus and Kazakhstan, the political contexts might have been different, but the legal basis of the separation between non-violent protests and violent behavior, and of the duty for proportionality in restoring public order, was well established in the Belarusian case. In this regard, the Kazakhstani case differs, as the crisis involved both domestic repression and the application of interstate security mechanisms.

Regardless of what form the political protests took and who the main organisers were, the introduction of a peacekeeping contingent from the Collective Security Treaty Organisation played a decisive role in resolving the intra-elite conflict. This move came as a surprise to both the post-Soviet states and the non-CIS states. Such a force could have been used earlier (in Kyrgyzstan in 2010, in the Nagorny Karabakh conflict in 2020, and during the change of power in Ukraine in 2013-2014), but at that time the CIS leaders and Russia in particular had limited themselves to diplomatic means. Nazarbayev and his team members could hardly have foreseen such a development, and for the new president, the introduction of CSTO forces proved to be a risky move. However, the latter can also be explained by the head of state's doubts about the reliability of the country's power structures. Article 4 of the Treaty, which stipulates that aggression (an armed attack that threatens the security, stability, territorial integrity and sovereignty) against one member of the organisation is considered to be the same action against all member states, was used to introduce a peacekeeping contingent (The Collective Security Treaty Organization (CSTO), 1992). President Tokayev described his appeal to the CSTO as appropriate and timely; he also characterized the events in the country as both undermining the state's integrity and being an act of aggression involving international terrorist groups. To date, we can discuss for a long time the question of external interference in the protests and the possibility of engaging the forces of the military-political bloc to resolve the situation, however, the request in this form was welcomed by all the member states of the CSTO, including Russia (Official Internet Resources of the President of Russia, 2022).

In terms of precedent, the CSTO operation was compared with events in Kyrgyzstan in 2010, when, in the midst of common violence, a CSTO operation was not launched. In the case of Kazakhstan, legal assessments of the legality of the operation noted that Article 4 had only been invoked in cases of external aggression, though in January 2022, what was initially described as civil unrest in Kazakhstan was reclassified by authorities as an attack by international terrorists. The case of Kazakhstan is important for understanding the legal

threshold which should apply under Article 4, since events in Kazakhstan may provide a more general theory of the collective-security obligations of States in the event of internal chaos.

CSTO troops were deployed to Kazakhstan at very short notice and were on the ground from 6 to 19 January, effectively accomplishing their tasks. The aim of the mission was to protect key infrastructure and government buildings, while local law enforcement forces were brought in to deal with protesters. From the moment the CSTO member states agreed to the operation, the level of protest activity began to decline and the arrival of the peacekeepers negated the efforts of various radical and extremist individuals and paramilitary groups. The peacekeeping operation was carried out without a single shot being fired and was largely symbolic. In this regard, it is worth agreeing with the opinion of domestic sociologist P. Miloserdov, who noted the following "Tokayev needed to show this to everyone else: "Moscow has agreed that I am now the president in full power and you will deal with me. Forget Nazarbayev, forget the others" (Plotnikov, 2022). Of course, this is not the only purpose of inviting a peacekeeping contingent to the republic, both for Kazakhstan and for Russia, but the fact that it has become symbolic is beyond doubt.

The international standards and the regional standards on freedom of peaceful assembly (e.g., the OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly) treat dispersal and use of force as measures of last resort and state that states have a duty to protect peaceful participants, even when the situation is tense or volatile and there is a risk of violence (OSCE Office for Democratic Institutions and Human Rights, & Venice Commission, 2020). Identical principles are repeated in the Constitution of the Republic of Kazakhstan (1995): the state is a democratic, legal and social state, the rights and freedoms of man and citizen are of the highest value. Accordingly, it follows that when analyzing the question of the legal nature of the January events in addition to the question of the effectiveness of stabilization it is necessary to consider the compatibility with the constitutional order and the international standards of legality, necessity and proportionality.

What results and consequences have resulted from the use of CSTO peacekeeping forces in Kazakhstan? The answers to this question are manifold. Firstly, the participation of a military contingent was the first and successful operation of this organization in repelling a threat to the security of one of its members. To what extent the structure of the CSTO will change in terms of the use of peacekeeping forces in similar or other operations, is still a question. But the involvement of military and political bloc forces to repel external aggression for the first time since the collapse of the USSR remains a fact. Second, the joint military operation demonstrated the effectiveness of the CSTO institutions in repelling threats to the security and territorial

integrity of the member states, which had previously largely been considered fictitious. It also demonstrated the increasing recognition, prestige and image of the organisation in the region and the world as a whole.

Thirdly, the peacekeeping forces were able to resolve the political protests that had taken on an armed character, ensuring stability in the socio-political situation in the country. Otherwise, the crisis processes could have followed the following scenarios. The first was a continuation of the intra-elite conflict with the emergence of clear leaders and supportive masses, an intensification of the armed confrontation and the emergence of signs of civil war. The outcome of this version of events could become unpredictable and follow the scenario of a protracted confrontation (Libyan, Syrian, etc.). Second way is a coup d'etat and coming to power of a new leader from the team of the former president N. Nazarbaev whose legitimacy would be in question and whose power stability would be periodically tested by different kinds of mass protest (unrest, protests, riots, etc.). Third would be to keep Tokayev in power through a tough repression of protests, which would lead to large numbers of casualties among the civilian population and material, financial and socio-economic damage. The fourth is limited armed intervention by other countries, such as Turkey within the Organisation of Turkic States. What such an intervention would lead to and how it would change the balance of power in the region is not clear, but it would be opposed by the major world powers (Russia, China, the US, European countries), and therefore this scenario seems unlikely.

Fourth, for Kazakhstan, the introduction of a CSTO peacekeeping force contingent not only led to the resolution of the armed disturbances, but also contributed to the end of the power transition in the country that began in 2019. K.-J. Tokayev was able to seize key political positions in the country, placing members of his team on them and thus getting rid of the system of "unspoken dual power" that had developed in the republic.

Fifth, the peacekeeping mission in the region yielded significant benefits for the Russian Federation. The latter not only confirmed its status as a military and political ally, but also showed that Kazakhstan is an area of vital national interest, given the social, cultural, economic, political and other ties that Russia wants not only to maintain but also to increase. Russia has a very long border with its southern neighbour and cannot ignore the crisis processes taking place in that country. The involvement of the CSTO has also shown the promise of developing integration formations in the post-Soviet space and Russia as a state that, at the level of political elites and from a soft power perspective, has a predominant influence in Kazakhstan over other world players (the US, European countries, China). Despite all the results and implications of the CSTO in Kazakhstan, it seems clear that without Russia's involvement, a peacekeeping

operation would have been highly questionable, so its significant merit has been chosen to ensure the cohesion and integrity of the rest of the organisation and the need to make appropriate decisions to neutralise a threat to one of its member states.

After the resolution of the protests, the question of the further development of Russian-Kazakh relations remains pressing. Whether, after Russia's help in implementing the CSTO peacekeeping operation, there will be an active rapprochement between the countries is still a question. According to the director of the Institute of Political Studies, S. A. Markov, "Vladimir Vladimirovich Putin needs to take advantage of the success of the operation to continue integration in interstate relations with Kazakhstan" (eNews, 2022). However, there are several points that complicate cooperation between the two countries. These include the intensification of the republic's multi-vector policy and the presence in Kazakhstan of NGOs, some of which are clearly anti-Russian and operate nationalist organisations.

The interesting thing about Tokayev's appeal for help from the CSTO was that he acted on a purely formal basis. It was addressed to the authorized bodies of the CSTO, and not to the Russian authorities, which somewhat 'levelled' the predominant role of Russia in this organization (von Essen, Hedenskog, 2022). Kazakhstan's recent refusal to circumvent the US and EU anti-Russian sanctions also carries a negative message (RBK, 2022), which contradicts the strategic principles of cooperation between the two countries in integration associations. Given the somewhat declining spectrum of joint interests observed to date, it is necessary to select the best forms of further interaction and strengthen the strategic partnership of the two states.

In the wider context, Kazakhstan lies midway between domestic emergency governance without internationalization, and internationalized security management (The Law of the Republic of Kazakhstan № 387, 2003). The legal debate in Belarus in 2020 was about mass repression, but without internationalized military involvement by neighboring countries. In contrast, the crisis in Kazakhstan was characterized by domestic emergency governance and a rapid internationalized military intervention under the auspices of a regional collective-security organization.

Whereas the CSTO did not intervene in 2010, Kazakhstan established a precedent by having recourse to a common frame of reference in the context of internal political disruption. The Kazakhstan operation is therefore an important case in the context of post-Soviet political evolution and doctrine on the constitutional order, human rights, emergency measures, and the functions of regional security organizations.

5 CONCLUSIONS

The political protests that took place in Kazakhstan in January 2022 clearly showed that behind the external appeal of the republic there were contradictions and problems that were not being addressed in a timely manner and were sometimes suppressed. The scale and content of the protests, and the inability of the authorities to deal with them as a response, have been the most serious threat to statehood in the entire period of independent development of the Republic of Kazakhstan. Social unrest revealed the depth of unresolved social and economic problems of the population of the country's regions and the long-ripened need for political change and reforms in this sphere, and the transition from autocratic to democratic governance mechanisms. Clan-elite contradictions were superimposed on the overall situation, which began to deepen as the transit of power took place. The protests were an opportune moment to unbalance the existing political system in the country. Whatever form it took (political coup, conspiracy, "network revolution", armed action, etc.), an analysis of the protests showed its intra-state nature. It is difficult to speak of advance preparation for a coup d'état as it was carried out. At best, the organisation of the process began during the mass unrest, many of the protesters' actions were poorly co-ordinated and poorly thought through, and the organisers of the plot simply did not have the means and capacity, either financially or politically, to carry it out. All of their actions can be described as a failed attempt to oust the incumbent president or, at best, a significant redistribution of power with little predictable consequences for socio-political stability.

In the opinion of the author of the paper, despite the resolution of the protests, threats to security and stability remain in the country, which should encourage the current authorities to learn from the events and begin to implement the planned reforms. According to President Tokayev and his administration, these will be aimed at reforming the law enforcement agencies, increasing employment, diversifying the economy by making it more socially oriented, transferring some powers from the president to parliament and thus moving away from a super-presidential form of government. There are also plans to increase party representation in the legislature, ban the head of state from participating in party activities, and forbid relatives of the president to hold senior civil service positions, among other changes. However, it remains to be seen to what extent the proposed reforms will be implemented. Potential difficulties in their implementation are, first, that a centralised strong government is perceived as the backbone of the country; second, the influence of ethnic, political-cultural, social features of the development of society; and third, the embeddedness of clan-ethnic factors in the structure

of economic and political life. It is these aspects that are of great interest in terms of their further scientific study. It is hoped that the incumbent president and his team will succeed in overcoming these difficulties and carry out the necessary modernisation of the country.

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