



DOI: 10.54919/physics/55.2024.215vs1

Modern problems of state legal regulation of migration in Kyrgyzstan

Ainura Kubatbekova

Jusup Balasagyn Kyrgyz National University
720033, 547 Frunze Str., Bishkek, Kyrgyz Republic

Dur Askarbekov

International University of Kyrgyzstan
720001, 255 Chui Ave., Bishkek, Kyrgyz Republic

Tezekov Kubanychbek

Kyrgyz-Kazakh University
720082, 159 Arstanbap Str., Bishkek, Kyrgyz Republic

Alina Ormonova

International University of Kyrgyzstan
720001, 255 Chui Ave., Bishkek, Kyrgyz Republic

Seit Bobushev*

Bishkek Territorial Advocacy of the Kyrgyz Republic
720040, 87 Toktogul Str., Bishkek, Kyrgyz Republic

Abstract

Relevance. Today, a reasonable approach to solving problems related to migration processes, which largely determine the socio-economic and political landscape of the country, is an important task on the way to successful state development, which is especially relevant for Kyrgyzstan.

Purpose. The aim is to identify the elements related to the peculiarities of legislative regulation of migration processes in Kyrgyzstan by analysing various factors of state policy in the sphere.

Methodology. The main methods of research were statistical, using which the indicators of migration process in the Republic were determined, and historical, using which the stages of formation of the legal framework in the sphere of employment of citizens abroad were named.

Results. In the course of studying the dynamics of migration policy in Central Asian countries, the issues of legal regulation and the formation of a legislative framework for the protection, information, and service support of labour migrants were the main topics of discussion on the agenda at different levels of government. The most difficult situation was observed in the Republic of Kyrgyzstan, where the able-bodied population is actively moving within the region and around the world in order to find work and secure a safer life. Analysing migration trends in the context of searching for certain regularities, the following features can be traced: if in the early 1990s people with higher education left Kyrgyzstan en masse, by the end of the 1990s – low-skilled workers, then in the beginning of the XXI century, there is an increase in migration processes among scientists, teachers, and representatives of other academic specialities.

Suggested Citation:

Kubatbekova A, Askarbekov D, Kubanychbek T, Ormonova A, Bobushev S. Modern problems of state legal regulation of migration in Kyrgyzstan. *Sci Herald Uzhhorod Univ Ser Phys.* 2024;(55):2151-2160. DOI: 10.54919/physics/55.2024.215vs1

*Corresponding author



Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

Conclusions. The results and conclusions of the work can be used as a practical basis for future scientific research on this topic, as well as for the development of strategies to regulate migration policy.

Keywords: population outflow; socio-economic crisis; able-bodied population; declining living standards; mobility.

Introduction

In the third millennium, international relations are at their highest level of development. Various aspects of such cooperation (financial and economic transactions, transit of goods, provision of services) are an integral part of modern civilizational interactions and are signs of state synergy at the national level and in the global dimension. Population migration is one of the signs of new geopolitical changes; the transit of people for the purpose of work, study, search for better living conditions is becoming a mass phenomenon, more and more intensively influencing the economic, political, social and other spheres of state transformation of both the migrant's home country and the host country. The reasons for migration are, among others, minimum standards in the employment sector and unsatisfactory quality of life in the home country, and these factors force the population to cross the border and look for solutions to these issues in other countries. Studying the topic of migration and the aspect of state-legal influence is a relevant and timely assignment. Understanding the components of this area, analysing and characterizing the activities of migration policy participants, summing up positive and negative consequences are factors necessary for a qualitative assessment of the work of state actors. Migration processes play a pivotal role in the development of the state, all its systems and structures, so the solution of emerging problems and adequate response to various situations in this area will contribute to the sustainable development of the country as a whole and civil society in the new geopolitical conditions of a rapidly changing world order.

The problem of actualization of the main vectors of solution of controversial issues of migration processes through the prism of analysis of state-legal regulation, which is a key tool in the context of monitoring and control of the sphere for the purposes of national security, has come to the forefront of discussion at all levels of government. The search for ways to address the issues of decent working conditions, safe residence in the territory of another state, and adequate attitude of employers is attracting increased attention from virtually all public and civil national and international organizations. These issues become especially relevant when there is a threat to the health and lives of migrants, which, in turn, has negative consequences for the economic and social systems of receiving states. Therefore, it is extremely important to analyse as thoroughly as possible the specifics of Kyrgyzstan's activities in the field of migration policy by summarizing the various aspects of legal and regulatory work in this area. Taking into account the fact that the Republic is extremely dependent on migration processes, especially in the economic sector, it can be predicted that the problem of qualitative analysis of normative regulation of the sphere for the rapid solution of problems in the near future will be extremely relevant and crucial.

According to authors, including A. Dzhooshebekova et al. [1], the collapse of the Soviet Union caused large-scale migratory movements of people, which, in turn, led to the

growth of many problems in the social, cultural, economic and other spheres of social life of the newly created republics. A. Sayakbaeva et al. [2] believed that migration movements, on the contrary, had a positive impact on the new countries and contributed to the transformation of outdated forms of development and helped accelerate the transformation of existing areas of civil interaction. At the same time, the authors practically did not analyse the effectiveness of migration in the context of comparing positive and negative aspects. When considering the main reasons for migration of Kyrgyz citizens, primarily women, A. Erisheva [3] considered gender inequality as a key mechanism that prompts the search for better living conditions. And according to I. Suvanov and N. Ukueva [4], the lack of opportunities to take decent care of their children, as well as their elderly parents, forces young women to find employment in large cities in Kyrgyzstan or abroad. Although the existence of other, no less important, reasons are called secondary and derivative of the main ones mentioned by specialists. Labour migration as an economic tool contributes to poverty reduction in the country as a whole, and in the case of Kyrgyzstan, as A. Murzakulova [5] indicated, this phenomenon fully shapes the financial system of the Republic and creates conditions for relative competition of the state in the post-Soviet space. However, this aspect can be applied to large agglomerations and big cities, while in rural regions the situation remains unsatisfactory.

The aim is to highlight the key aspects of interaction in the sphere of migration in Kyrgyzstan through the analysis of state-legal relations in the context of consideration of the normative and statistical component of the direction.

Materials and Methods

The following methods were used in the research process: historical method, statistical method, method of comparison, and system analysis. The historical method was used to consider different periods in the formation and development of migration processes and political activities of all participants of this process in Kyrgyzstan. In addition, the method was used in the course of drawing parallels through the prism of identifying the features, nature of the direction and content of migration flows in different periods of the late twentieth century – early twenty-first century in the Republic. The statistical method was used to identify key qualitative and quantitative indicators of the effectiveness of interaction between different actors in the sphere of migration policy in the Republic of Kyrgyzstan. The method was also used to separate different directions of migration of the country's population, for example, the most attractive, from the point of view of potential migrants, countries, or regions of entry.

The method of comparison was used to compare some constituent elements, key stages and formative bases of the state's activities in the sphere of monitoring and control in migration policy. In addition, the method was used to identify and distribute the main positive and negative

trends in migration movements of the population – both for Kyrgyzstan and for countries receiving Kyrgyzstani citizens. This method was also used to compare the risks for receiving and sending parties through the prism of assessing the impact on various spheres of social development and state security. System analysis was used to identify structural relationships between all elements of the subject under study – migration policy in the context of state-legal regulation – participants (subjects and objects), characteristic features (technical, economic, political, social features), statistical data.

In order to analyse the issue under study in more detail, the following materials were also considered: legal acts (Law of the Kyrgyz Republic No. 133 “On Internal Migration” [6], Law of the Kyrgyz Republic No. 4 “On External Labor Migration” [7], Concept of Migration Policy of the Kyrgyz Republic for 2021-2030 [8], The 1951 Refugee Convention [9], Regional Development Cooperation Strategy [10], Central Asia Regional Strategy: 2021-2025 [11]); statistical data (Resident Population by Gender and Age Groups [12], Resident Population [13], External Migration of the Population by Countries of Arrival (Departure) [14], National Statistical Committee of Kyrgyzstan); official reports and open access information from international organizations (Definitions of Migrants, International Organization for Migration [15], The Systemic Nature of Vulnerability to Trafficking for Kyrgyz Labour Migrants [16], United States Agency for International Development, The Kyrgyz Republic National Voluntary Review on the Implementation of the Global Compact for Safe, Orderly and Regular Migration [17], United Nations Migration Network).

The use of these materials in the study contributed to a more detailed analysis of the main components of the migration policy of the Kyrgyz Republic, the materials, and conclusions of which, became a support for further changes in this direction.

Results

The concept of migration and migration policy

At the beginning of the twentieth century, issues affecting the specifics of studying various aspects of migration policy and addressing problems directly related to these issues have come to the forefront of discussions at all levels of state and civil administration. The challenges of the modern world, which include military confrontations, humanitarian crises, social protests and political conflicts, require urgent solutions, search for options to overcome complex situations that arise in different regions of the planet. The problem of migration, as a result of improper and irrational transformation of a particular country or geographical area, has now become a key area on the solution of which the harmonious development of the vast majority of states depends [18]. Migration affects many aspects: political, economic and social life, cultural and religious development, strengthening of historical and traditional ties, and this statement is equally true for both the host country and the country of departure of the migrant [19; 20]. Therefore, research on migration processes is crucial for policy formulation and the development of specific strategies in this direction for almost all countries, without exception.

In order to more thoroughly study the issue of migration processes and various elements and components directly related to this area, it is necessary, firstly, to clearly understand the conceptual apparatus of the field, define key terms and outline the scope of the topic under study. Thus, existing definitions such as “foreigner”, “migrant” and “refugee”, at first glance, have a lot in common, but on closer examination, these designations are quite different (Table 1). In conformity with a number of experts, it is the incompetence of responsible state authorities to distinguish between these concepts and the provision of narrowly focused support and assistance based on these differences that create most of the conflicts, disputes, and conflict situations [21; 22].

Table 1. Differences and distinctive features of categories of citizens entering another state (foreigner, migrant, refugee)

Base	Foreigner	Migrant	Refugee
Reasons for entry	Getting an education, getting a job, travelling	Search for better living conditions	Preserving health and saving lives
Legal basis for entry	Legal	Mostly illegal	Initially illegal
Contribution to the economy of the country of entry	Desire to study and work. Having a high level of intelligence	Lack of desire to study and work. Low professional level. Cheap labour	Any
Contribution to the development of civil society	Complements the development of local society	Creates a threat and competition to the local population	Needs help and social protection
Floor	Any	Mostly men	Mostly women
Age	Any	Young men (18-30 years old)	Children, elderly people
Region/Country of Origin	Europe, Asia, America, Australia	Africa, Asia, Muslim countries, European countries, Ukraine	Africa, Asia, Muslim countries, Ukraine
Region of entry	Any	Democratic countries	Democratic countries
Other differences	Knowledge of the local language, presence of an accent, financial security	Able to work, physically healthy, well-equipped	Poor, weak, emotionally unstable, needy

Source: compiled by the authors on the basis of the Law of the Kyrgyz Republic No. 133 “On Internal Migration” [6], Law of the Kyrgyz Republic No. 4 “On External Labour Migration” [7], The 1951 Refugee Convention [9], I. Božič et al. [23], E. Huskey [24], F. Critelli et al. [25].

The definition given by the International Organization for Migration at the United Nations defines a migrant as any person who is moving or has moved across an international border or within a State and has left his or her place of habitual residence, regardless of his or her legal status. According to paragraph 2 of The 1951 Refugee Convention [9], a refugee is a person who, for reasons of fear of endangering his or her health, life, safety because of his or her own political, social, religious, racial or other views, is forced to stay outside his or her native country for fear of returning to his or her homeland, in the host country, being under its inviolable protection.

The concept of a foreigner includes many definitions and components, and it can be generalized as a person who temporarily and legally stays in the territory of another state for study, work, leisure tourism or other reasons [23]. As can be seen, both migrants and refugees can fall under the definition of foreigners, but have their own unique differences and characteristics.

Migration policy in Kyrgyzstan

Migration processes today affect all regions of the planet, especially the countries of Central Asia, where labour migration is the dominant direction of transit population movements [2; 26]. Citizens of Kazakhstan, Uzbekistan,

Turkmenistan, Tajikistan, and Kyrgyzstan seek employment options both within and outside the region, mainly in Russia, the United States, China, South Korea [27]. While there are numerous migration flows that include the actual number of citizens who move, remittances and other related elements, the industry remains poorly regulated. There are no clear standards and norms for all participants in migration processes, and no effective mechanism for supporting migrants (both those already working abroad and those who are in the process of employment or are about to leave the country) has been developed [28]. The situation is particularly acute in Kyrgyzstan, where the level of migratory mobility is extremely high and virtually the entire economic system of the country relies on cash inflow from labour migrants [29].

Kyrgyzstan is a republic where the head of state has wide powers. The state has an area of almost 200 thousand square kilometres [26], a population of 7,037,590 (as of the beginning of 2023) [13] and an increasing trend (Table 2). Kyrgyzstan has extensive mineral resources (primarily oil and gas), agricultural areas, and large coal reserves. Agriculture is a priority area for the country's economic development, where numerous labour force can be employed.

Table 2. Population dynamics in Kyrgyzstan in the period 2018-2023, people

Year	Population	Men	Women
2018	6,256,730	3,101,817	3,154,913
2019	6,389,500	3,169,634	3,219,866
2020	6,523,529	3,237,606	3,285,923
2021	6,636,803	3,294,134	3,342,669
2022	6,912,849	3,417,348	3,495,501
2023	7,037,590	3,480,298	3,557,292

Source: compiled by the authors on the basis of the Resident Population by Gender and Age Groups (2023), Resident Population [13].

During the Soviet period of its development, the government of the Republic guaranteed employment, housing, medical care and education to all its residents [4]. With the collapse of the Soviet Union in the Republic, despite the availability of all social benefits and useful resources, significant political and economic changes occurred in the Republic, which entailed large-scale transformation processes, including in the sphere of population movement for the purpose of study and job search. Thus, in the early 1990s, the mass movement of Kyrgyz abroad to improve their social status was observed among highly intellectual society: teachers, professors, scientists, and medical workers of the highest category left the country intensively [1]. From the mid-1990s to the early 2000s, the trends changed and the overwhelming part

of the migration flow was made up of representatives of low-skilled professions (construction workers, drivers, service workers). Since the 10s of the XXI century the situation has changed again and now, the intellectual elites and representatives of high society have again joined the somewhat weakened migration of workers of low-intellectual labour [5; 29].

Recent years have seen further changes in the dynamics and quality of migration processes in the Republic. Thus, according to the National Statistical Committee of Kyrgyzstan, the difference between those who left and those who came to the country was almost 6,000 people – in favour of those who arrived [14]. The year 2022 was the first time in a long time when the balance was positive (Table 3).

Table 3. Dynamics of external migration processes in Kyrgyzstan in the period 2018-2023, people

Year	Arrived	Retired	Outflow
2018	1,687,000	7,077,000	-5,390,000
2019	1,400,000	7,560,000	-6,160,000
2020	961,000	5,822,000	-4,861,000
2021	8,229,000	8,998,000	-769,000
2022	12,444,000	6,527,000	5,917,000
2023	_*	_*	_*

Note: * – data is not made public.

Source: compiled by the authors on the basis of the External Migration of the Population by Countries of Arrival (Departure) [14].

The formation of internal migration trends in Kyrgyzstan is primarily driven by the need to find a better and better-paid job, and in 90 per cent of cases involves moves from rural to urban areas. 65 per cent of urban moves occur in Bishkek and Osh, as well as in Chui oblast [30]. At the same time, large cities of the country are leaders in terms of the number of external migrants (e.g.

Osh and surrounding areas have over 35 per cent of migrants outside the Republic (data as of the beginning of 2022) [14]. Given the fact that this region is the most numerous and densely populated (Table 4), the size of the movement of citizens is serious and extremely dangerous in the context of the demographic and social component of civil society in Kyrgyzstan.

Table 4. Population dynamics of Kyrgyzstan by region/city in the period 2018-2023, people

Region/city	2018	2019	2020	2021	2022	2023
Total	6,256,700	6,389,500	6,523,500	6,636,800	6,912,900	7,037,600
Batken	513,600	525,100	537,300	548,200	559,500	570,900
Jalal-Abad	1,190,600	1,214,400	1,238,800	1,260,600	1,288,400	1,311,000
Issyk-Kul	483,000	489,800	496,100	501,900	533,800	538,400
Naryn	283,800	287,000	289,600	292,100	306,500	308,400
Osh	1,314,100	1,341,900	1,368,100	1,391,700	1,435,500	1,460,400
Talas	259,000	263,500	267,400	271,000	270,300	273,500
Chui	921,700	941,100	959,800	975,000	1,054,500	1,068,700
Bishkek	1,002,100	1,027,200	1,053,900	1,074,100	1,113,800	1,145,000
Osh city	288,800	299,500	312,500	322,200	350,600	361,300

Source: compiled by the authors based on Resident Population [13].

It is worth noting that internal migration in Kyrgyzstan accounts for more than 60%, with the remaining 40% of citizens migrating to other countries [31]; the key

destinations for external migration, primarily labour migration, are Russia and Kazakhstan (Table 5).

Table 5. Dynamics of migration processes in Kyrgyzstan by country/region of arrival/departure for 2012 and 2022, people

Country/region	2012		2022	
	Arrived	Retired	Arrived	Retired
Total	5,532,000	13,019,000	12,444,000	6,527,000
Azerbaijan	1,000	10,000	12,000	3,000
Armenia	1,000	1,000	1,000	4,000
Belarus	3,000	25,000	11,000	21,000
Kazakhstan	637,000	3,055,000	833,000	1,422,000
Moldova	-	2,000	1,000	2,000
Russia	4,376,000	9,475,000	9,124,000	4,573,000
Tajikistan	286,000	45,000	944,000	51,000
Turkmenistan	3,000	-	4,000	-
Uzbekistan	117,000	138,000	455,000	72,000
Ukraine	13,000	48,000	65,000	45,000
Germany	12,000	86,000	106,000	154,000
Israel	1,000	-	1,000	-
USA	9,000	77,000	98,000	44,000

Source: compiled by the authors based on the External Migration of the Population by Countries of Arrival (Departure) [14].

According to various international organizations, as of the beginning of 2023, over 1 million Kyrgyz citizens are permanently abroad, which is about 17-20% of the total population of the country [16; 17]. These figures are impressive, especially considering the fact that, unlike other Central Asian republics, about 40 per cent of migrants in Kyrgyzstan are women. According to research by a number of experts, this situation is due to total unemployment, low wages, insufficient number of jobs, poor working conditions, lack of social support [32; 33]. Most important, from the point of view of potential migrants, in host countries are attractive labour conditions, significantly higher wages, flexible social protection system, transparent migration policies.

State legal regulation of migration in Kyrgyzstan

Due to large-scale trends in the sphere of migration movements of the population of Kyrgyzstan (both within the country and abroad), the risks and dangers associated with the regulation and control of this area are significantly increasing. The solution of these issues is possible, firstly, due to the harmonization of national legislation and bringing it to the norms and standards of the international community. Thus, at the moment, the main legal documents in the sphere of migration policy of Kyrgyzstan are: Law of the Kyrgyz Republic No. 133 “On Internal Migration” [6], Law of the Kyrgyz Republic No. 4 “On External Labour Migration” [7], Concept of Migration Policy of the Kyrgyz Republic for 2021-2030 [8]. The need to address migration processes is also addressed in the

Regional Development Cooperation Strategy [10], Central Asia Regional Strategy: 2021-2025 [11].

At the international level, Bishkek adheres to internationally recognized norms and standards of cooperation in the field of migration and refugee issues in accordance with the Geneva Convention of 1951 and the New York Protocol of 1967, while some other acts have not been ratified by the country (e.g. the Convention on the Reduction of Statelessness of 1961) [34]. Until 2016, the State Migration Service of Kyrgyzstan also dealt with issues related to refugees, stateless citizens, also dealing with aspects of their stay both within and outside the state. However, when the institution was optimized, significant cuts were made in the structures responsible for refugee support, and the Service became solely concerned with migrants [35]. At the same time, the quality of protection and assistance to refugees from Kyrgyzstan has significantly decreased due to the absence of a responsible body for this area in the country.

There is an Information and Advisory Centre to assist Kyrgyz citizens in finding work abroad. In 2021, together with the Migration Service, a migration policy framework for 2021-2030 was developed. The main objectives in the area of migration policy were identified as follows: regulation of migration movements; minimization of negative trends and factors affecting migration; reduction of the number of reasons causing migration; stabilization of social, demographic, political and economic indicators, the fluctuations of which are caused by ever-increasing rates of migration; legislative control and monitoring of processes in the area of migration policy. In addition, it has been stated that it is important to unite efforts in the area of migration policy at the level of the countries of the region (as previously stated in the Central Asia Regional Strategy: 2021-2025 [11]): intensifying bilateral and multilateral meetings at different levels between Central Asian states, holding regular consultations, launching national and regional projects and initiatives, and jointly studying positive international experience in order to implement some of its aspects in practice.

Analysing various constituent elements of migration processes, political activity in this direction and assessing the level of influence of these aspects on state development in general, it is possible to say that in general, the transit of population between states for employment purposes has both positive and negative consequences (for the receiving and sending sides). Many specialists (economists, sociologists, futurologists) agree that, despite the ambiguity of migration as a phenomenon at the present stage of human development, it is, at the same time, a very efficient and quite effective tool for “revitalizing” economic processes, transforming civil society, exchanging cultural and historical traditions [36].

Positive and negative components of migration processes in Kyrgyzstan

Positive trends from migration processes can be conditionally divided into two components: for the country of origin of the migrant and for the host country. Thus, in the country of origin, the following phenomena are observed: strengthening of economic indicators due to money transfers from migrants (since in 90% of cases financial inflows are spent on purchasing goods, food,

housing, or travel, these industries develop and actively support the economic transformation of the country); reduction in the level of competition in the labour market in certain sectors and, as a result, a decrease in unemployment levels (reducing the burden on the state in terms of social and financial protection of unemployed citizens, which contributes to the emergence of additional budgetary inflows); acquisition by labour migrants of useful experience and practical skills, which will be successfully applied in Kyrgyzstan – provided that such migrants return to their homeland for the benefit of the state’s economy (creating new innovation-oriented enterprises, improving production processes, introducing new specialities, and forms of employment).

For the host country, the benefits are: low wages for migrants, which allows not overburdening the financial part and significantly save the budget); low-skilled and unpopular work, which is not accepted by the local population; cultural exchange; improvement of the demographic situation; diversity of ethnic composition. Negative trends for the country of departure are: “brain drain” and qualified personnel; growing problems in the sphere of family institution and, as a consequence, deterioration of demographic and social indicators of the population; depopulation of remote regions and areas. Negative consequences for the receiving party are as follows: increased pressure on social facilities (schools, kindergartens, medical centres); uncontrolled population growth in some areas; racial and ethnic confrontations over language, religion and other preferences; increased environmental risks in case of migration from disadvantaged and underdeveloped countries.

Regardless of the ultimate goal of migration, there are always risks to life during the movement, even before arriving at a new place. The main risks include: the danger of the movement process itself (transport by water, land, through difficult forests or in closed reservoirs); increased chances of contracting infectious diseases, which are traditionally high among migrants, especially in places where they congregate; threats to the life and health of migrant women and their children (physical and sexual violence, death threats, human trafficking); and working and living conditions during or after the work process.

Considering all components and peculiarities of migration policy in Kyrgyzstan in the context of solving the problems of state and legal regulation of the sphere, it is worth concluding that, although the legislative framework has been developed at a fairly acceptable level and Bishkek’s participation in international initiatives and projects is very noticeable, there is currently no effective regulatory framework for the state to control and monitor all aspects of migration processes. Firstly, this refers to the low level of involvement of responsible authorities in addressing issues related to the root causes of migration, namely weak economic and social development, unstable political situation, and low income of citizens.

Recommendations

Analysing the trends of migration processes in Kyrgyzstan and the peculiarities of the implementation of state policy in this direction, a number of controversial points and conflict issues that require urgent solutions have been highlighted. The following practical recommendations are

offered to improve the quality of cooperation in controlling migration flows in Kyrgyzstan. Thus, it is necessary to significantly expand the regulatory component of the direction by developing norms and rules to harmonize the process of using financial proceeds from the population that emigrated abroad for employment purposes. It is also necessary to present unified standards to support migrants (both potential and existing) at all stages of their journey: from finding the necessary work to directly organizing ways to get to the place).

There should be a more reasonable and balanced approach to the issue of creating new jobs. In this context, there should be a state demand for the required number of specific specialties and working professions. For this purpose, it is also crucial to constantly improve the level of education – both pre-school and school, as well as higher and professional education. In addition, the participation of the state in the life of temporarily unemployed citizens of Kyrgyzstan is not insignificant. Social protection and financial support for this category of citizens, as well as for the poor, young families, women and children, contributes to the confidence of civil society and trust in public services.

A reasonable and logical continuation of migration policy would be the development of an appropriate strategy for the return of migrants to their home country. For this purpose, it is necessary to develop an adequate and working mechanism, a system of support for these citizens, the results from the use of components of which would significantly influence the motivation of citizens to return home. It is important to intensify control over all participants of the migration process in the country, in particular, it is necessary to strengthen control over illegal migration and toughen the punishment for such crimes as human trafficking and child labour.

Discussion

Studying issues related to migration processes in Kyrgyzstan and analysing aspects directly or indirectly related to the state and legal regulation of this sphere in the context of harmonization of the legal framework and convergence of the legislation of the Republic with international legal standards and norms, some conclusions were summarized. The topic of migration processes and their impact on the development of the economy, social and civil education, the formation of a modern political apparatus and a mature and competitive financial system is one of the key issues on the agenda during discussions at all levels of State and public control. Analysing the results and conclusions of experts in the sphere – economists, sociologists, demographers – it is to be stated that in recent years, the interest in studying the issues of population displacement has increased significantly, and such trends will continue in the near future. The demand for such studies is quite high, because their results will determine the development and improvement of many other sectors and areas of life of the state as a whole. The focus of researchers from Kyrgyzstan was mainly on the consideration of all aspects of migration policy, which is the main mechanism of economic transformation in the country, while experts from other countries (Germany, Italy, Slovakia, and others) analysed general trends in migration as a phenomenon, considering, for example,

labour migration as the most significant element of the transit of people between states. In sum, it is worth concluding that the theses of the researchers speak in favour of the fact that the situation in the migration sphere will be dynamically developing in the very near future and in order to adequately respond to these changes it is necessary to harmonize the aspect of state-legal participation in this sphere as much as possible and bring it closer to the best international practices.

In this paper, voiced the opinion was voiced that migration processes, primarily related to labour activity and the search for better conditions for professional implementation, are the main constituent element necessary for the institutionally correct and logical development of such structural parts of the state formation as the social sphere, political system, economic and financial component. According to L. Oso et al. [27], it is this type of migratory movements of population that can significantly increase the level of qualitative changes in countries receiving labour migrants and create conditions for transformational reforms in the near future, provided that the legislative standards of this sphere are clearly observed.

Factors such as low wages, slow development of gross domestic product per capita, high unemployment in the country, and cases of psychological and physical violence against women and children are key prerequisites for the intensification of migration dynamics in Kyrgyzstan. This idea, which was voiced in the presented paper, was also voiced by L. Lipková et al. [26], who believed that in order to realize their professional potential and natural abilities, the vast majority of people seek to find a way out of their problems abroad or, at the very least, in large cities or regions of the Republic. At the same time, the authors did not find a direct correlation between the growth of migratory movements and the level of socio-political development in individual regions.

The scale of labour migration increased sharply in the countries of the former Soviet Union when, with the collapse of this association, massive institutional and organizational problems began at all levels of state and civil administration. This statement is also true for Kyrgyzstan, as stated by F. Critelli et al. [25], saying that the causes of depopulation in some areas of the country lie precisely in labour migration, which, in turn, is caused by unsatisfactory living conditions there and the only option for solving such problems is to go abroad in search of better-paid work. However, the role and impact on the situation on the part of the state was practically not considered by the experts due to the weak regulation of this issue in the context of its effectiveness on the interrelated sectors of the economy.

The benefits and positive results for the economic and financial system of Kyrgyzstan from the migratory movements and labour activities of its citizens abroad are evident through the prism of assessing some qualitative and quantitative indicators. L. Bossavie and D. Garrote-Sánchez [33] described this situation and emphasized the key role of the state, represented by the leadership, in the context of proper planning and development of an effective and practical strategy for the involvement of labour migrants in all governance structures of different spheres in the country. Although the probability of risks and

dangers associated with the processes of labour movement of citizens of the Republic, the authors considered insufficiently weighty reasons for the introduction of strict bans and restrictions for labour migrants from Kyrgyzstan.

The aspect of state-legal regulation of migration policy in this paper was voiced as a key tool for implementing strategies and plans for the safe labour process of migrants in the host country and as a basic mechanism for developing a system of incentives and rewards for the return of such workers to their home country – the country of origin of migrants. C. Schenk [19] had a similar position on this issue, he considered the lack of regulatory control over labour migration a serious obstacle to the creation of a free labour market, both within a single state and within a continent. The author cited Central Asian countries as rather vivid examples of the lack of a clearly developed strategy for the activities of migration policy actors, especially with regard to the analysis of the situation in Turkmenistan and Kyrgyzstan.

In the process of studying the formation and development of migration policy in Kyrgyzstan through the prism of the impact of processes related to the movement of the population due to employment, education, medical treatment, on the formation of state and public institutions, the following factors were identified. By analysing the works of some specialists engaged in this field, it was determined that there is an increased demand for detailed information related to various aspects of migration processes in society, both in the Republic and in other countries of the region and the world. The main factors that stimulated transit movements of the population within the country or abroad were, firstly, the lack of jobs at home, unsatisfactory wages, and low levels of social protection in the course of work. The Central Asian states, in particular, Kyrgyzstan, have recognized the existence of unresolved problems in this context and the need to find ways out of this situation has become a major topic of debate and discussion at all levels of government in the Republic. Despite some positive developments, such as the development of migration policy strategies and the adoption of norms and standards of work for migrants, many challenges still exist, and the situation is far from being fully clarified. Identification of key points that would form the main rules, norms, and principles of the sphere in the legal and regulatory field, implementation of financial receipts from migrants in the economic and financial structure of the country, as well as the development of a system of incentives for the return of labour migrants to their home country are the main goals for the harmonious development of Kyrgyzstan in the very near future. Delaying the process in this matter may further aggravate

migration problems in the country and lead to the emergence of new ones, which will pose a direct threat to the national security of both the country and the region as a whole.

Conclusions

In studying the specifics of migration processes in Kyrgyzstan in the context of determining the specifics and focus of state and legal regulation of the sphere at the present stage, some conclusions have been made. Thus, issues related to migration of the population and solving problems related to their safety and benefits for the national state are discussed at various levels of state and public administration – both on national platforms and within the framework of international activities. Aspects such as low wages, insufficient number of jobs, unsatisfactory working conditions, as well as threats to the health and life of the worker have a significant impact on people's decisions to seek other options for realizing their professional potential and often the solution is migration, mainly labour migration. Due to flexible migration policies, socially oriented standards and labour law norms, countries such as China, South Korea and others are priority destinations for movement. The state, using Kyrgyzstan as an example, is committed to taking responsibility in this area, monitoring and controlling all processes and activities of the participants of the direction, but in the conditions of rapid transformation processes, rapid reaction and response to emerging threats and challenges are required. The legal aspect of migration policy in the Republic of Kyrgyzstan is imperfect and is accompanied by many risks and controversial issues, especially regarding the legal protection of citizens seeking employment in other countries through the use of dubious services from third parties. Also, among the dangers that are most frequently encountered during labour migration from both Central Asian countries and Kyrgyzstan are the use of child labour and the use of physical or other violence against potential or current labour migrants.

For a more thorough examination of migration issues in Central Asia, the following studies should examine the characteristics of migration policies of the countries in the region in a comparative context.

Acknowledgements

None.

Conflict of Interest

None.

References

- [1] Dzhoshbekova A, Chynykeeva G, Abduvapova A, Turdubaev K, Elchibekov U, Arstanov S, Satybaldieva C, Osmonova S, Sulaimanov E, Abduvapova A, Osmonova B, Abdullaeva Z. External migration problems of Kyrgyzstan population in the post-soviet period. *Advan Appl Sociol.* 2021;11(3):113-129.
- [2] Sayakbaeva A, Akyzbekova N, Taalaibek M. Diagnostics of migration processes for the sustainable development of the economy of the Kyrgyz Republic. *Sustain Develop Engineer Econ.* 2022;4:63-75.
- [3] Erisheva A. Gender equality and international human rights law in Kyrgyzstan. In: *Human Rights Dissemination in Central Asia* (pp. 115-127). Cham: Springer; 2023.
- [4] Suvanov I, Ukueva N. *Elders left behind and migration in Kyrgyzstan*. Bishkek: American University of Central Asia; 2021.

- [5] Murzakulova A. *Rural migration in Kyrgyzstan: Drivers, impact and governance*. Bishkek: University of Central Asia; 2020.
- [6] Law of the Kyrgyz Republic No. 133 “On Internal Migration”. 2002. <https://cbd.minjust.gov.kg/1090/edition/1071642/ru>
- [7] Law of the Kyrgyz Republic No. 4 “On External Labor Migration”. 2006. <https://cbd.minjust.gov.kg/1792/edition/1264753/ru>
- [8] Concept of Migration Policy of the Kyrgyz Republic for 2021-2030. 2021. https://migranty.org/wp-content/uploads/2021/06/06.04.21.ru_koncepcija-migracionnoj-politiki-kr-na-2021-2030-gg..pdf
- [9] The 1951 Refugee Convention. 1951. <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>
- [10] Regional Development Cooperation Strategy. 2020. <https://www.usaid.gov/ru/central-asia-regional/rdes>
- [11] Central Asia Regional Strategy: 2021-2025. 2021. <https://www.iom.int/resources/central-asia-regional-strategy-2021-2025>
- [12] Resident Population by Gender and Age Groups. 2023. <https://www.stat.kg/ru/statistics/download/dynamic/314/>
- [13] Resident Population. 2023. <https://www.stat.kg/ru/statistics/download/dynamic/729/>
- [14] External Migration of the Population by Countries of Arrival (Departure). 2023. <https://www.stat.kg/ru/statistics/download/dynamic/327/>
- [15] Migrants. 2024. <https://www.un.org/en/fight-racism/vulnerable-groups/migrants>
- [16] The Systemic Nature of Vulnerability to Trafficking for Kyrgyz Labor Migrants. 2023. https://winrock.org/wp-content/uploads/2024/02/Systemic-vulnerability-to-HT-in-KYR_final_12022024.pdf
- [17] The Kyrgyz Republic National Voluntary Review on the Implementation of the Global Compact for Safe, Orderly and Regular Migration. 2020. <https://www.un.org/sites/un2.un.org/files/imrf-kyrgyzstan.pdf>
- [18] Goldberg A, Lanz S. Living abroad, voting as if at home? Electoral motivations of expatriates. *Migrat Stud*. 2019;9(2):279-310.
- [19] Schenk C. Migrant rights, agency, and vulnerability: Navigating contradictions in the Eurasian region. *Nation Paper*. 2020;48(4):637-643.
- [20] Grzymala-Kazłowska A, Ryan L. Bringing anchoring and embedding together: Theorising migrants’ lives over-time. *Compar Migrat Stud*. 2022;10:46.
- [21] Jones TA. Migrants, refugees, and the politics of immigrant categorization. *Migrat Mobil Displac*. 2020;5(1):20-38.
- [22] de Haas H. A theory of migration: The aspirations-capabilities framework. *Compar Migrat Stud*. 2021;9:8.
- [23] Božič I, Klvaňová R, Jaworsk B. Foreigner, migrant, or refugee? How laypeople label those who cross borders. *Migrat Stud*. 2023;11(1):218-241.
- [24] Huskey E. Voting from abroad in the post-communist world: Elections and labor migration in Kyrgyzstan. *Euro-Asia Stud*. 2022;75(5):865-888.
- [25] Critelli F, Lewis L, Yalim A, Ibraeva J. Labor migration and its impact on families in Kyrgyzstan: A qualitative study. *J Int Migrat Integrat*. 2020;22:907-928.
- [26] Lipková L, Bročková K, Baleha A. Labour migration in Central Asia. Economic factors of influence. *Economic Annals-XXI. World Econ Int Econ Relat*. 2020;184(7-8):38-48.
- [27] Oso L, Kaczmarczyk P, Salamońska J. Labour migration. In: *Introduction to Migration Studies* (pp. 117-135). Cham: Springer; 2022.
- [28] Solano G, de Coninck D. Explaining migrant integration policies: A comparative study across 56 countries. *Migrat Stud*. 2023;11(1):75-102.
- [29] Chicherina E. Adolescents’ migration aspirations in Kyrgyzstan: A migration project as a ‘collective project’ of the family. In: *The Emerald Handbook of Childhood and Youth in Asian Societies* (pp. 197-212). Leeds: Emerald; 2023.
- [30] Murzakulova A. Applying a rural development lens to migration policy in Kyrgyzstan; 2022. <https://agrumig.iwmi.org/wp-content/uploads/sites/41/2023/01/AGRUMIG-Policy-Brief-Series-No-9.pdf>
- [31] Dzhunusova D, Ormokeeva Z. Administrative and legal status of foreign citizens in the Kyrgyz Republic, categories of migrants. *J Osh State Uni. Law*. 2023;1(2):101-108.
- [32] Pozzo R, Boubtane E, D’Albis H, Tonegutti R, Paravati C. A future agenda for migration studies. In: *Introduction to Migration Studies* (pp. 483-500). Cham: Springer; 2022.
- [33] Bossavie L, Garrote-Sánchez D. Safe and productive migration from the Kyrgyz Republic: Lessons from the COVID-19 pandemic; 2022. <https://doi.org/10.1596/978-1-4648-1905-6>
- [34] Dumitru S. The ethics of immigration: How biased is the field? *Migrat Stud*. 2023;11(1):1-22.
- [35] Chekistrova A. Social media and cross-border political participation: A case study of Kyrgyz migrants’ online activism. *Social Sci*. 2022;11(8):370.
- [36] Cubas M, Paul A, Ramírez J, Roohi S, Scholten P. Comparative perspectives on migration, diversities and the pandemic. *Compar Migrat Stud*. 2022;10:38.

Сучасні проблеми державно-правового регулювання міграції в Киргизстані

Айнура Кубатбекова

Киргизький національний університет імені Джусупа Баласагіна
720033, вул. Фрунзе, 547, м. Бішкек, Киргизька Республіка

Дур Аскарбеков

Міжнародний університет Киргизстану
720001, проспект Чуй, 255, м. Бішкек, Киргизька Республіка

Тезеков Кубаничбек

Киргизько-Казахстанський університет
720082, вул. Арстанбап, 159, м. Бішкек, Киргизька Республіка

Аліна Ормонова

Міжнародний університет Киргизстану
720001, проспект Чуй, 255, м. Бішкек, Киргизька Республіка

Сеїт Бобушев

Бішкекська територіальна прокуратура Киргизької Республіки
720040, вул. Токтогул, 87, м. Бішкек, Киргизька Республіка

Анотація

Актуальність. Сьогодні розумний підхід до вирішення проблем, пов'язаних з міграційними процесами, які багато в чому визначають соціально-економічний і політичний ландшафт країни, є важливим завданням на шляху до успішного розвитку держави, що особливо актуально для Киргизстану.

Мета. Метою є виявлення елементів, пов'язаних з особливостями законодавчого регулювання міграційних процесів у Киргизстані, шляхом аналізу різних чинників державної політики у цій сфері.

Методологія. Основними методами дослідження стали статистичний, за допомогою якого визначено показники міграційних процесів у республіці, та історичний, за допомогою якого названо етапи формування нормативно-правової бази у сфері працевлаштування громадян за кордоном.

Результати. У ході дослідження динаміки міграційної політики в країнах Центральної Азії питання правового регулювання та формування законодавчої бази для захисту, інформаційного та сервісного забезпечення трудових мігрантів були основними темами обговорення на порядку денному на різних рівнях влади. Найскладніша ситуація спостерігається в Республіці Киргизстан, де працездатне населення активно переміщується в межах регіону та по всьому світу з метою пошуку роботи та забезпечення більш безпечного життя. Аналізуючи міграційні тенденції в контексті пошуку певних закономірностей, можна простежити такі особливості: якщо на початку 1990-х років з Киргизстану масово виїжджали люди з вищою освітою, до кінця 1990-х - низькокваліфіковані працівники, то на початку XXI століття спостерігається посилення міграційних процесів серед науковців, викладачів та представників інших академічних спеціальностей.

Висновки. Результати та висновки роботи можуть бути використані як практичне підґрунтя для подальших наукових досліджень з даної тематики, а також для розробки стратегій регулювання міграційної політики.

Ключові слова: відтік населення; соціально-економічна криза; працездатне населення; зниження рівня життя; мобільність.