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LEGAL REGULATION OF TAXI AGGREGATORS AND DRIVERS: A COMPARATIVE LEGAL ANALYSIS OF KAZAKHSTAN AND INTERNATIONAL PRACTICE

Abstract. The article examines contemporary approaches to the legal regulation of taxi aggregators – digital ride-hailing platforms that mediate between passengers and drivers – in the Republic of Kazakhstan, the European Union, the United States, and the Russian Federation. The study covers the latest legislative changes and judicial practice from 2023 to 2025, including key court cases such as *City of New York v. Uber Technologies Inc.*, *C-434/15 Asociación Profesional Elite Taxi v. Uber Spain*, and the Kazakhstani case of *Ospan A.A. v. Glovo Kazakhstan LLP*. Through a comparative legal analysis, the authors discuss the employment status of drivers (self-employed vs. employee), issues of algorithmic management and the provision of social and labor guarantees, as well as new approaches to taxation of digital platforms (for example, the “VAT in the Digital Age” (ViDA) package in the EU). Special attention is paid to the evolving regulatory frameworks for the platform economy in Kazakhstan (digital reforms of 2023–2025) and in Russia (Federal Law No. 580 and subsequent amendments in 2023–2025). The results show that despite the global nature of ride-hailing businesses, legal solutions vary significantly. The EU seeks to ensure labor rights for platform workers through a presumption of employment relationships and regulation of algorithms; the US relies on local regulations (such as city-level licensing and wage rules) and piecemeal judicial mechanisms; meanwhile, Kazakhstan and Russia are only beginning to form their own models, currently focused more on registration and control than on social protection. In conclusion, the authors propose recommendations to improve the legal regulation of taxi aggregators, aiming to balance the interests of platforms, drivers, and society.

Keywords: taxi aggregators; digital platforms; labor law; self-employment; algorithmic management; platform taxation; social protection; comparative law; Uber; Yandex Go

Introduction

The development of digital technologies and the growth of the platform economy have radically changed the taxi transportation sector. Plat-

form-based aggregators (Uber, Yandex Go, Bolt, etc.) introduced new models of interaction between passengers and drivers, quickly capturing a significant market share. How-

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ever, the rise of aggregators has brought serious legal challenges – from the lack of a clear legal status for these platforms to their evasion of traditional employer obligations toward drivers. In Kazakhstan, as in many countries, legislation still does not define the term “taxi aggregator.” This omission leads to inconsistent enforcement: the companies present themselves as mere information intermediaries, while courts increasingly view aggregators as transportation firms providing taxi services. Such legal uncertainty creates risks for all market participants and consumers, allowing platforms to minimize their responsibility by shifting it onto drivers.

Scholars note that digitalization is driving a shift from traditional, stable models of employment toward hybrid and flexible forms of interaction between workers and employers. As Kaishataeva A.K. and Bayazitova R.T. emphasize, the conventional understanding of employment relations is expanding [1].

A comparative legal analysis is necessary to develop effective regulation. The global nature of ride-hailing services means that foreign experience and best practices can inform Kazakhstan’s approach. Based on international experience, in order to improve the quality of service and protect workers, the status, rights, and obligations of workers should be defined. A comprehensive framework that delineates the status, rights, and obligations of workers is therefore necessary. In recent years, the issue has become more urgent. During 2024–2025 the European Union advanced new regulations for digital platforms (for example, the ViDA package to impose VAT on ride-hailing services), Kazakhstan began discussing reforms to its transport leg-

islation, and courts in both the US and Europe increasingly recognized *de facto* employment relationships in the gig economy. Against this backdrop, it is timely to analyze the legal mechanisms used in different jurisdictions to regulate taxi aggregators and protect the rights of drivers.

The purpose of this study is to conduct a comparative legal analysis of how relations between taxi aggregators and drivers are regulated in Kazakhstan and abroad, to identify key trends, and to develop recommendations for improving national legislation. The authors proceed from the hypothesis that formally recognizing the relationship between an aggregator and a driver as an employment relationship – and establishing clear obligations for aggregators – will increase the level of legal protection and accountability in the taxi market.

Methodology

The study adopts a comparative legal methodology. We compare legislative approaches and judicial practices regarding taxi aggregators in Kazakhstan, the European Union, the United States, and Russia. The analysis covers relevant regulatory acts in these jurisdictions and significant court decisions (including precedents such as the EU Court of Justice’s Uber Spain ruling C-434/15, the City of New York v. Uber case in the US, and Kazakhstan’s Ospan A.A. v. Glovo case). We also consider international guidelines like the International Labour Organization’s Recommendation No. 198 on determining employment relationships (ILO, 2006). In addition, current scientific publications in peer-reviewed journals (including Scopus-indexed literature) and analytical reports on recent platform economy reforms

have been examined. This mixed approach allows us to address both the legal and socio-economic aspects of the problem. Special attention is paid to the characteristics of labor relations on ride-hailing platforms, the formal vs. actual status of drivers, and mechanisms for holding aggregators liable under civil law.

Results and discussion

Comparative Regulatory Approaches in Different Jurisdictions: Legal responses to ride-hailing platforms have diverged markedly across countries. In the **European Union (and the United Kingdom)**, courts and lawmakers increasingly treat taxi aggregators as transportation service providers rather than neutral “information intermediaries.” Notably, a 2017 ruling of the European Court of Justice in *Uber Systems Spain SL (C-434/15)* held that Uber is inextricably linked to the provision of transport services and can be regulated as a taxi company¹.

This precedent opened the door for EU member states to impose licensing and safety requirements on the platform. Following this approach, courts in France (e.g. a 2019 Paris Court of Appeal decision upheld by the Cour de Cassation in 2020) have reclassified Uber drivers as employees rather than independent contractors [2].

The rationale is that the platform controls key aspects of the work – ac-

cess to customers, pricing, trip monitoring, and even the ability to “deactivate” drivers – creating a relationship of subordination characteristic of an employment contract. As a result, in several EU countries (France, the UK, Belgium, and others), ride-hailing drivers are being granted a status closer to employees, with corresponding social guarantees such as paid leave and insurance. At the same time, requirements for the platforms themselves have tightened: many European jurisdictions now mandate that drivers obtain taxi licenses or similar authorization before working through an app.

For example, Italy’s courts intervened to ban services like UberPop when unlicensed drivers were used, pushing platforms to work only with licensed taxi drivers. Moreover, the EU has moved to eliminate aggregators’ tax advantages over traditional taxi operators².

Under the new ViDA rules, from 2025 platforms that intermediate passenger transport in the EU will be deemed the suppliers for VAT purposes and required to charge and pay VAT on rides. This ensures equal tax treatment for all market participants and removes a competitive edge aggregators previously enjoyed³.

In the **United States**, regulation is fragmented and primarily at the state or city level. One illustrative example is **New York City**, which has one of the country’s strictest taxi reg-

¹ The service provided by Uber connecting individuals with non-professional drivers is covered by services in the field of transport // URL: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-12/cp170136en.pdf#:~:text=In%20today's%20judgment%2C%20the%20Court,as%20'a%20service%20in%20the>.

² Italian court bans unlicensed taxi services like Uber // URL: <https://www.reuters.com/article/technology/italian-court-bans-unlicensed-taxi-services-like-uber-idUSKBN0OB1FQ/#:~:text=The%20court%20in%20Italy%27s%20business,unfair%20competition>.

³ The service provided by Uber connecting individuals with non-professional drivers is covered by services in the field of transport. Member States can therefore regulate the conditions for providing that service. Court of Justice of the European Union. PRESS RELEASE No 136/17. Luxembourg, 20 December 2017. Press and Information Judgment in Case C-434/15. Asociación Profesional Elite Taxi v Uber Systems Spain SL // URL: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-12/cp170136en.pdf>.

ulatory regimes⁴.

To operate there, ride-hailing drivers must obtain a Taxi and Limousine Commission (TLC) driver's license, which entails training, exams, background checks, and vehicle requirements similar to traditional taxis⁵.

When Uber entered New York's market while bypassing many of these rules, it was met with legal challenges – notably *City of New York v. Uber Technologies Inc.* – in which the city accused Uber of running an illegal taxi service by using non-TLC-licensed drivers⁶.

Uber argued it was merely a technology platform, not a carrier, but the city responded with regulatory measures: since 2018–2019 New York has capped the number of ride-hail vehicles and set minimum wage standards for drivers on these apps. Courts upheld the city's authority to impose such measures (for instance, rejecting Uber's lawsuit against the vehicle cap). Effectively, New York integrated aggregators into its existing taxi system: app-based drivers are subject to the same licensing and safety standards as traditional cab drivers, which improves passenger safety and levels the playing field, although it increases compliance costs for platforms⁷.

It should be noted that there is **no uniform federal policy in the US** on the employment status

of gig drivers – debates continue, and companies have vigorously lobbied to preserve the independent contractor model. Some states (like California, via legislation such as AB5 and ensuing court battles) and other court decisions have at times moved to classify drivers as employees or grant them specific labor protections, but these efforts remain piecemeal and contested⁸.

Overall, the US approach relies on local regulation of certain conditions (pay, licensing) and litigation, rather than a nationwide solution.

Russia has only recently shifted away from treating aggregators as purely information services. In 2023, Russia enacted a comprehensive law on taxi transport that introduced the concept of a “transport aggregator” in legislation. This law assigns aggregators a set of responsibilities, including verifying that drivers have valid licenses and insurance, transmitting trip data to government systems, and bearing liability for certain violations (such as safety requirements). Under this framework, an aggregator is no longer completely shielded from responsibility: for example, if an unqualified driver is allowed on the platform or if consumer rights are violated, the company may be held accountable alongside the driver. Russian courts have also begun to hold platforms liable in practice. In some cases, courts have

⁴ Get a TLC Drivers License // URL: <https://www.nyc.gov/site/tlc/drivers/get-a-tlc-drivers-license.page#:~:text=driver%20record%20that%20is%20dated,28>.

⁵ Measures for Digital Platform Operators Providing Public Ride-Hailing Services // URL: <https://www.bgballaw.com/2025/08/02/measures-for-digital-platform-operators-providing-public-ride-hailing-services/#:~:text=mobile%20applications,in%20accordance%20with%20applicable%20laws>.

⁶ Yellow Taxi Group Lawsuit Claims NYC Is Letting Uber Operate Illegally // URL: <https://www.cbsnews.com/newyork/news/yellow-taxi-group-lawsuit-claims-city-is-letting-uber-operate-illegally/>.

⁷ Factbox: Uber's legal challenges around the world // URL: <https://www.reuters.com/article/technology/factbox-ubers-legal-challenges-around-the-world-idUSKBN1XZ25F/#:~:text=UNITED%20STATES>.

⁸ Battle Over Rideshare Worker Classification Continues: New York Supreme Court Holds Uber Drivers Are Employees, Entitled to Unemployment Insurance // URL: <https://www.peifferwolf.com/battle-over-rideshare-worker-classification-continues-new-york-supreme-court-holds-uber-drivers-are-employees-entitled-to-unemployment-insurance/#:~:text=the%20New%20York%20Supreme%20Court%2C,to%20the%20drivers%20at%20issue>.

ordered aggregators to compensate passengers for damage caused by a driver's actions, reasoning that the platform exerts sufficient control to establish a form of joint liability (drawing on principles of consumer protection and the legal notion of an "information intermediary" owning a service). Outside Russia, other countries in the Commonwealth of Independent States and beyond are observing similar trends.

Notably, in the **United Kingdom**, which is no longer in the EU but faces similar issues, the Supreme Court ruled in 2021 that Uber drivers are "workers" entitled to a minimum wage and holiday pay. Likewise, courts and lawmakers in countries such as India, Brazil, and South Africa have faced mounting pressure (through litigation or new laws) to improve working conditions for gig drivers. Initially, most governments allowed ride-hailing platforms to operate with minimal oversight. As the gig economy grew and problems of social protection and unfair competition emerged, regulators worldwide started moving from a hands-off stance to introducing basic requirements (e.g. mandatory registration of drivers, insurance coverage, minimum fare rules) and now increasingly towards **special rules tailored to the platform economy** [3].

There is a general global trend from regulatory inaction to "soft" regulation, and finally to more stringent regimes establishing a new legal status for platform participants. Analysts underscore the need to clearly delineate the category of platform-based work and to enumerate aggregators' obligations toward both contractors

and customers. In short, to ensure fairness, many jurisdictions are recognizing that taxi aggregators must be legally defined and brought into the regulatory fold, rather than left entirely to self-regulation.

Turning to **Kazakhstan**, the rise of ride-hailing platforms around 2016–2017 initially occurred in a legal vacuum. Aggregators such as Yandex.Taxi and InDriver were not explicitly regulated and presented themselves as dispatch or information services. Typically, the platform would sign a civil contract (offer agreement) with drivers, who were not hired as employees; drivers often operated as individual entrepreneurs or without any formal status [4].

So, aggregators got around employer responsibilities like paid vacation, social security, and workplace safety laws. De jure, drivers were independent contractors, but de facto the situation often differed: aggregators controlled the distribution of rides through algorithms, set fare prices and commissions, collected passenger payments, and could unilaterally block drivers from the app for rule violations.

Recognizing this discrepancy, some drivers turned to the courts to seek acknowledgment of an employment relationship with the platforms. A landmark case was *Ospan A.A. v. Glovo Kazakhstan LLP* in 2023, where the Kazakhstani court of cassation found that the relationship between a courier and the platform was in substance an employment relationship despite the absence of a formal labor contract⁹.

The court applied criteria from

⁹ Верховный Суд Республики Казахстан (2021, 6 декабря). Постановление № 600121006ап/19 по делу Оспан А.А. против ЧСИ Сарбасова М.И. (г. Нур-Султан). Судебная коллегия по административным делам. В деле рассматривается правовой статус курьера и его отношения с ТОО «Glovo Kazakhstan» // URL: https://www.ilawnetwork.com/wp-content/uploads/2022/10/KAZakhstan-2.-Supreme-Court-Order-on-Glovo-Courier.pdf?utm_source=chatgpt.com.

Article 27 of Kazakhstan's Labor Code¹⁰ and ILO Recommendation No. 198 – noting indicators such as the worker's sustained engagement, subordination to the platform's rules, economic dependence on a single source of income, and lack of autonomy in setting work conditions¹¹.

It concluded that the “agency” agreement between Glovo and the courier was a sham intended to disguise what was effectively an employment arrangement.

Despite this judicial recognition, Kazakhstan's legislation still does not explicitly require platforms to hire drivers or couriers as employees. No statutory criteria exist yet to distinguish an independent contractor from an employee in the gig economy, meaning platforms can lawfully continue using civil contracts for drivers. In 2023, however, a new **Social Code** was adopted that introduced the notion of an “internet platform-registered contractor”¹².

This move requires individuals working via online platforms (including taxi drivers) to register and pay into the social security system. Starting from January 1, 2025, ride-hailing drivers must notify local executive authorities of their activity, and all such drivers will be entered into a national registry of carriers. Failure to comply can result in administrative fines. While these changes aim to formalize the sector and bring gig workers into certain social insurance schemes, experts observe that they *do not* resolve the issue

of substantive labor protection for platform workers. By law, the new “contractor” category remains under civil law, i.e. **self-employed**, which means drivers are still excluded from the protections of labor law and cannot form trade unions to collectively defend their interests. At the same time, Kazakhstan has begun tightening oversight of aggregators themselves. In 2025, Parliament adopted amendments to the transportation law providing for the creation of a self-regulatory organization (SRO) for taxi aggregators.

This SRO will maintain a digital registry of drivers, verify that drivers have the required licenses and insurance, and ensure trip data is transmitted to tax and transport authorities. Additionally, ride receipts must include details of the carrier, trip time, and route to increase transparency. The SRO is obligated to report any violations (such as unlicensed driving or safety breaches) to the authorities. These measures are intended to bring the market out of the shadows, secure tax revenues and improve safety¹³.

However, they **do not directly address drivers' employment rights** or social guarantees. In summary, Kazakhstan is only at the beginning of developing a comprehensive regulatory model for ride-hailing platforms: it has started with steps focused on registration, oversight, and taxation, while the central questions of drivers' legal status and platforms' responsibilities

¹⁰ Трудовой кодекс Республики Казахстан от 23 ноября 2015 года № 414-V ЗПК // URL: <https://adilet.zan.kz/rus/docs/K1500000414>.

¹¹ Рекомендация Международной организации труда №198. «Рекомендация о трудовом правоотношении» (заключена в г. Женева 15.06.2006) // URL: <https://normativ.kontur.ru/document?moduleId=1&documentId=278310>.

¹² Социальный кодекс Республики Казахстан от 20 апреля 2023 года №224-VII ЗПК // URL: <https://adilet.zan.kz/rus/docs/K2300000224>.

¹³ Kazakhstan to track taxi ride data under new transportation law // URL: https://en.tengrinews.kz/laws_initiatives/kazakhstan-to-track-taxi-ride-data-under-new-transportation-266822/#:~:text=The%20SRO%20will%20work%20directly,regulations%20aimed%20at%20stricter%20oversight.

toward workers remain largely unresolved.

Key Issues and Trends – Toward Balanced Regulation: The comparative analysis above reveals that leaving the legal status of aggregators and their drivers undefined works to the advantage of the platforms but undermines fairness in the market. By declaring themselves mere “technology companies” rather than transportation providers or employers, aggregators in many jurisdictions have attempted to evade the rules that apply to traditional taxi companies – such as licensing, labor standards, and taxation.

This creates an asymmetry of obligations: conventional taxi firms shoulder full responsibility for passenger safety and employee welfare, whereas platform companies profit from providing identical services while avoiding many corresponding duties. International experience now shows that a lack of regulation in this area is no longer tenable. There is broad recognition that governments must define new categories of platform-based employment and impose baseline obligations on digital labor platforms to protect workers and consumers [3].

A primary concern is **social protection and labor rights** for drivers. In Europe and even parts of the United States, a consensus is growing that ride-hailing drivers and couriers should enjoy the same fundamental protections as employees in traditional forms of work [5].

These include the right to safe working conditions, reasonable working hours and rest periods, minimum wage guarantees, and access to social insurance (healthcare, unemployment, and pension schemes).

Without such guarantees, platforms gain a competitive edge by lowering labor costs at the expense of drivers’ welfare, leaving these workers in a vulnerable position. Reclassifying drivers as employees (as seen in France and the UK) automatically extends labor legislation to them – covering minimum wage, overtime, paid leave, and employer contributions to insurance – thereby improving their social security. In Kazakhstan’s context, while courts have begun to acknowledge some gig work as *de facto* employment (e.g. the Glovo case), a systematic solution requires legislation that clearly delineates the criteria under which an aggregator-driver relationship must be treated as an employment contract.

For example, if a driver works predominantly for one platform, does not build an independent client base, and is economically dependent on the platform, then the law could presume an employment relationship. As ILO guidance suggests, it is the **actual dependency and subordination** in the relationship that should determine its legal classification (ILO, 2006). Without such legal clarification, platforms will likely continue using civil-law contracts to mask employment, resulting in the continued erosion of workers’ rights [6, p. 110].

Another significant issue is **algorithmic management and control**. Aggregators extensively use algorithms to allocate rides, set dynamic pricing, monitor driver performance (through ratings and ride acceptance rates), and even to discipline drivers (e.g. by suspending or “deactivating” those who violate certain rules). This algorithmic control creates a hierarchy akin to traditional managerial control over employees [7].

Drivers have little influence over

their working conditions when every aspect – from which rides they are offered to how their earnings are calculated – is determined by the platform’s opaque algorithms. They also face so-called “technostress” from constant GPS tracking and automated performance evaluations. Despite the fact that drivers are considered to be independent contractors, their activities are completely controlled by application algorithms. Research proves that such facts lead to deterioration of working conditions, fatigue and emotional burnout of drivers.

Given the above, platforms should increase the transparency and fairness of algorithms. Drivers should be given the right to information and the right to appeal certain decisions. Currently, platforms operate in such a way that drivers have no idea how tasks are distributed or why they are removed from work. In order to ensure fairness, it is possible to provide for checks for bias in certain decisions, as well as a ban on systems that force drivers to work for excessively long periods of time.

Importantly, even if drivers remain formally self-employed, they should have the **right to collective organization**. In a number of countries, gig workers have been allowed to form unions or associations to collectively bargain with platforms over commissions, bonuses, and other working conditions. Providing a collective voice can help address the power imbalance between individual drivers and global corporations – an imbalance highlighted by waves of protests by ride-hailing drivers and couriers (including in Kazakhstan in 2021–2022) against low pay and lack of benefits.

In the absence of robust regulation, some platforms have attempted to self-regulate through **corporate so-**

cial responsibility (CSR) initiatives. Companies seeking to improve their reputation and driver retention have introduced voluntary measures: for example, programs to support drivers with fuel discounts or cashback, bonuses for high customer ratings, free accident insurance, or other perks. A growing body of research has demonstrated that the implementation of CSR initiatives has the potential to enhance the level of trust between drivers and passengers. Furthermore, it has the potential to contribute to the development of platforms that implement such a system by establishing them as a competitive advantage. For instance, during the course of the COVID-19 pandemic Bolt and Yandex Go publicized their endeavors to provide enhanced insurance or assistance to drivers. However, there are views that contend that reliance on voluntary corporate support is inadequate. **Uniform “rules of the game”** enforced by the state are necessary so that all platforms meet minimum standards, rather than a few good actors going beyond what the law requires while others do nothing. That said, governments can encourage CSR by, for example, ranking or certifying platforms based on their social responsibility, which might motivate companies to exceed the legal minima. But ultimately, voluntary measures should complement, not replace, legal regulation [8, p. 240].

Finally, an essential aspect of any comprehensive approach is **aggregators’ liability to third parties** (especially passengers). Under classic common-carrier or employer liability principles, if an employee driver causes harm in the course of work (e.g. a traffic accident injuring a passenger or pedestrian), the taxi company or employer is vicariously

liable for damages.

Aggregator platforms, by denying that drivers are their employees (and often denying they themselves provide transportation services at all), have tried to avoid such liability. This legal gap complicates the ability of victims to get compensated, as they must pursue individual drivers who often have limited resources¹⁴.

Different jurisdictions have begun to formulate solutions to ensure platforms share responsibility for safety. In **Russia**, as noted, the law now explicitly makes aggregators accountable for verifying their drivers and allows holding them liable alongside the driver for certain infringements (such as failure to meet safety standards or consumer protection violations). In the **EU**, discussions on a forthcoming platform work directive include provisions for **joint and several liability**, meaning a platform could be held liable for work-related damages if it exerted control over the working conditions. The European Law Institute's Model Rules on online intermediaries similarly propose that a platform be considered liable when it has a decisive influence over the supplier of services (like a driver). The principle was implicitly endorsed by the ECJ in the *Uber Spain* case, which stressed that Uber cannot be viewed as a neutral intermediary but as part of the transportation service itself – thus it must accept the obligations that come with operating a transport service. In the **United States**, there is no specific federal rule for platform liability in ride-hailing, but courts have started to draw analogies from other contexts. A notable example is *Oberdorf v. Amazon.com Inc.* (3d Cir. 2019), where a federal appellate court held that

Amazon could be treated as a “seller” and held strictly liable for a defective product sold by a third-party on its marketplace [9].

The court reasoned that Amazon was not merely a passive platform but actively involved in the transaction and thus could not escape responsibility for product safety. By analogy, a taxi aggregator that plays an active role in every ride (selecting drivers, setting fare algorithms, handling payments, etc.) should bear **strict or joint liability** if a passenger is injured or other harm occurs during a ride. Implementing a rule of joint liability (or subsidiary liability) for platforms – together with mandatory third-party liability insurance covering all rides – would greatly enhance consumer protection.

It would ensure that injured parties can receive compensation (since the platform and its insurer are likely to have deeper pockets than an individual driver) and it would incentivize companies to vet drivers carefully, enforce vehicle safety standards, and generally exercise greater caution in their operations. Indeed, many courts around the world (including some in Kazakhstan) have already found that despite formal agreements, the relationship between platforms and drivers **amounts to “hidden” employment**, making it logical to also extend at least some employer-like liabilities to the platforms. At present, Kazakhstan has **no explicit provisions** on aggregators' civil liability for accidents or crimes involving drivers using their apps, but enshrining such liability (for example, making the platform jointly responsible for damages caused by drivers during platform-arranged trips) would significantly raise the level of consumer protection and

¹⁴ Гражданский кодекс Республики Казахстан (Особенная часть) от 1 июля 1999 года № 409-І (с изменениями и дополнениями по состоянию на 12.07.2025 г.) // URL: https://online.zakon.kz/Document/?doc_id=1013880&pos=572;-51#pos=572;-51.

discipline the industry. It is worth noting that aggregators are generally much better positioned than individual drivers to absorb these costs – they can pool risk, obtain insurance, or establish compensation funds – whereas a lone driver might be insolvent in a serious accident [10, p. 90].

In conclusion, the comparative review indicates that a **comprehensive regulatory approach** is needed to address the challenges posed by taxi aggregators. Key elements of such an approach include: formally recognizing genuine employment relationships in the gig economy, establishing clear duties for platforms (in terms of oversight, safety, and fair treatment of workers), and holding platforms accountable on par with traditional transport companies for both labor obligations and third-party liabilities. Only a combination of these measures will create a level playing field that balances the interests of passengers, drivers, and the platforms themselves, ensuring the taxi market's sustainable and fair development.

Conclusion

This study confirms that to ensure legal certainty and fairness in the taxi services market, countries need to update their regulatory approaches to ride-hailing platforms. Several key conclusions and recommendations emerge from the comparative analysis. **First**, many jurisdictions should **recognize the relationship between an aggregator and a driver as an employment relationship** whenever the factual circumstances reflect continuous work and subordination of the driver. Courts in France, the UK and certain U.S. states have already taken steps in this direction, supported by ILO

recommendations. Granting drivers official employee status would extend labor law protections to them, increase their social security (through insurance coverage, guaranteed wages, etc.), and correct the present imbalance in bargaining power between drivers and platforms. For Kazakhstan, this implies developing legal criteria to distinguish genuine self-employment from disguised employment in the gig economy, so that drivers who depend on a platform are not denied labor rights.

Second, it is necessary to introduce the concept of “**taxi aggregators**” into the current legislation of the Republic of Kazakhstan, as well as to define their rights, obligations, and status as part of the transport service. Consequently, platforms will be subject to specific obligations. It is imperative that drivers be subject to a rigorous compliance verification process. This process encompasses a comprehensive evaluation of the driver's qualifications, including but not limited to: possession of a valid driver's license, adequate driving experience, a recent medical examination, and the functionality of the vehicle. Aggregators, in turn, are obligated to adhere to the stipulated requirements for regulated tariffs, maximum commissions, trip accounting, and the exchange of information with government agencies when necessary. International experience – for example, recent EU and Russian regulations – shows that imposing these responsibilities on platforms significantly improves service safety and quality. In Kazakhstan's case, the planned introduction of a transparent driver accreditation system through an industry SRO is a step in the right direction toward formalizing platform duties.

Third, effective regulation must

ensure appropriate **liability and insurance mechanisms** are in place. Legislators should establish that an aggregator bears joint and several liability for harm caused by a driver in the course of fulfilling a ride request. In practice, laws could oblige the platform to compensate passengers for any damages alongside the driver. This rule would encourage companies to take a more responsible approach in selecting and supervising drivers, since the platform itself would face financial exposure for accidents or misconduct. Joint liability will also contribute to the development of trusting relationships between the parties, as the consumer will be confident that the service is supported by those who are able to pay (in this case, the platform or its insurer). In addition, regulators should provide for mandatory travel liability insurance in order to ensure compensation for victims without the need for litigation with individual drivers.

Finally, national regulations should be brought into line with international standards and best practices, as online platforms are growing worldwide. In this regard, attention may be drawn to the proposed EU Directive on platform work. According to this document, the platform protects the “presumption of employment.” That is, if a platform acts as an employer, it must prove that the worker is not an employee. In addition, since algorithms largely determine who gets a particular job and

how drivers are managed, there is a growing need for rules that allow these algorithms to work and prevent any unfairness. In addition, drivers should be guaranteed the **right to organize collectively** (to form unions or associations) for the purpose of collective bargaining, even if they are not classified as traditional employees. Embracing the principles of “decent work” developed by Fairwork researchers (Heeks et al., 2021) – which include fair pay, fair conditions, fair contracts, fair management, and fair representation – could provide a useful framework for evaluating and improving platform practices. In the area of taxation, Kazakhstan and other countries should consider adopting measures analogous to the EU’s ViDA package, so that aggregators properly fulfill tax obligations (such as VAT) on an equal footing with conventional businesses.

Taken together, these measures will make the taxi market more **sustainable and equitable**. Recognizing drivers as employees or at least as equal partners in labor relations will secure their social rights and improve their quality of life. The aforementioned recommendations for amendments and additions to the legislation of the Republic of Kazakhstan are expected to enhance transparency, safety, and accountability, thereby contributing to the modernization of the taxi industry.

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ПРАВОВОЕ РЕГУЛИРОВАНИЕ ДЕЯТЕЛЬНОСТИ АГРЕГАТОРОВ ТАКСИ И ВОДИТЕЛЕЙ: СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ КАЗАХСТАНСКОЙ И МЕЖДУНАРОДНОЙ ПРАКТИКИ

Аннотация. Статья посвящена анализу современных подходов к правовому регулированию агрегаторов такси (цифровых платформ, обеспечивающих посредничество между пассажирами и водителями) в Республике Казахстан, Европейском союзе, Соединённых Штатах Америки и Российской Федерации. Исследование охватывает последние законодательные новации и судебную практику 2023–2025 гг., включая ключевые дела: *City of New York v. Uber Technologies Inc.*, *C-434/15 Asociación Profesional Elite Taxi v. Uber Spain* и *Оспан А.А. против ТОО «Глово Казахстан»*. В рамках сравнительно-правового анализа рассматриваются вопросы определения статуса занятости водителей (самозанятость vs. наёмный труд), алгоритмического управления и предоставления социально-трудовых гарантий, а также новые подходы к налогообложению цифровых платформ (например, пакет «VAT in the Digital Age (ViDA)» в ЕС). Анализируется нормативная база регулирова-

ния платформенной экономики в Казахстане (цифровые реформы 2023–2025 гг.) и российское законодательство (Федеральный закон № 580 и последующие поправки 2023–2025 гг.). Полученные результаты показывают, что, несмотря на глобальный характер деятельности агрегаторов, правовые модели существенно различаются: ЕС ориентируется на обеспечение трудовых прав работников платформ посредством презумпции наличия трудовых отношений и регулирования алгоритмов; США преимущественно опираются на локальные механизмы регулирования условий оплаты и судебную практику; Казахстан и Россия находятся в процессе формирования собственных моделей, сосредоточенных главным образом на регистрации и контроле, нежели на социальной защите. В заключение сформулированы рекомендации по совершенствованию правового регулирования агрегаторов такси с учётом баланса интересов платформ, водителей и общества.

Ключевые слова: агрегаторы такси, цифровые платформы, трудовое право, самозанятость, алгоритмическое управление, налогообложение платформ, социальная защита, сравнительное право, Uber, Yandex Go.

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ТАКСИ АГРЕГАТОРЛАРЫ МЕН ЖҮРГІЗУШІЛЕРІНІҢ ҚЫЗМЕТІН ҚҰҚЫҚТЫҚ РЕТТЕУ: ҚАЗАҚСТАНДЫҚ ЖӘНЕ ХАЛЫҚАРАЛЫҚ ТӘЖІРИБЕНІҢ САЛЫСТЫРМАЛЫ-ҚҰҚЫҚТЫҚ ТАЛДАУЫ

Аннотация. Мақала такси агрегаторларын (жолаушылар мен жүргізушілер арасындағы делдалдықты қамтамасыз ететін цифрлық платформалар) құқықтық реттеудің қазіргі заманғы тәсілдерін талдауға арналған. Зерттеу Қазақстан Республикасын, Еуропалық одақты, Америка Құрама Штаттарын және Ресей Федерациясын қамтиды. Жұмыста 2023–2025 жж. соңғы заңнамалық жаңалықтар мен сот тәжірибесі, соның ішінде негізгі істер: *City of New York v. Uber Technologies Inc.*, *C-434/15 Asociación Profesional Elite Taxi v. Uber Spain* және *Оспан А.А. Glovo Kazakhstan ЖШС-ге қарсы* ісі қарастырылады. Салыстырмалы-құқықтық талдау аясында жүргізушілердің еңбек мәртебесін айқындау (өзін-өзі жұмыспен қамту vs. жалдамалы еңбек), алгоритмдік басқару және әлеуметтік-еңбек кепілдіктерін қамтамасыз ету, сондай-ақ цифрлық платформаларды салық салудың жаңа тәсілдері (мысалы, ЕО-дағы «VAT in the Digital Age (ViDA)» пакеті) мәселелері зерделенеді. Қазақстандағы платформалық экономиканы құқықтық реттеу негіздері (2023–2025 жж. цифрлық реформалар) және Ресей заңнамасы (№ 580 Федералдық заң және 2023–2025 жж. енгізілген түзетулер) талданады. Зерттеу нәтижелері агрегаторлардың жаһандық сипатына қарамастан, құқықтық модельдердің айтарлықтай ерекшеленетінін көрсетеді: ЕО еңбек қатынастарының презумпциясы мен алгоритмдерді реттеу арқылы платформалық жұмысшылардың еңбек құқықтарын қамтамасыз етуге ұмтылса, АҚШ төлем шарттарын жергілікті деңгейде реттеу мен ішінара сот тетіктеріне сүйенеді; ал Қазақстан мен Ресей әлеуметтік қорғаудан гөрі тіркеу мен бақылауға бағытталған өз реттеу үлгілерін қалыптастыру процесінде. Қорытындыда агрегаторларды құқықтық реттеуді жетілдіру бойынша платформалардың, жүргізушілердің және қоғамның мүдделерін теңестіруге негізделген ұсыныстар беріледі.

Түйінді сөздер: такси агрегаторлары, цифрлық платформалар, еңбек құқығы, өзін-өзі жұмыспен қамту, алгоритмдік басқару, платформаларды салық салу, әлеуметтік қорғау, салыстырмалы құқық, Uber, Yandex Go

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