



**Азаматтық құқық. Азаматтық процесс / Civil law. Civil process /  
Гражданское право. Гражданский процесс**

IRSTI 10.71.31

Scientific article

<https://doi.org/10.32523/2616-6844-2025-151-2-134-147>

**Improvement of the national judicial system in the Republic  
of Kazakhstan: analysis of innovations and problems**

**S.K. Zhursimbayev<sup>1</sup>, E.S. Kemali<sup>2</sup>, A.Zh. Muratova<sup>\*3</sup>**

<sup>1</sup>Kunaev University, Almaty, Kazakhstan

<sup>2</sup>Turan University, Almaty, Kazakhstan

<sup>3</sup>L.N. Gumilyov Eurasian National University, Astana, Kazakhstan

(e-mail: <sup>1</sup>skemali@mail.ru, <sup>2</sup>ekemali1973@inbox.ru, <sup>3</sup>muratova\_azh@enu.kz)

**Abstract:** This article presents key directions and outcomes of judicial reform in Kazakhstan within the larger context of public governance transformation and consolidation of the rule of law. The purpose of the research was to conduct a systematic analysis of institutional and procedural changes within the judicial system, such as digitalization, introducing a three-tier cassation model, elements of judicial election, reform of disciplinary accountability, as well as strengthening judicial independence judicially. As its object of study was the contemporary Kazakh judiciary, while its subject was mechanisms used for reform, including associated risks as well as prospective developments of said system.

This study's methodology draws upon formal legal, comparative legal, historical legal, and systems-based methods of inquiry. As part of their analysis, the authors identify both positive developments as enhanced procedural transparency, greater judicial autonomy, and implementation of digital tools, and persistent structural issues, such as excessive filtering of cassation appeals, limited access to justice in remote regions, and uncertainty within disciplinary procedures. Particular attention is also paid to legal regulation of procedural timeframes as well as any relations between judicial independence and efficiency in disciplinary processes.

**Key words:** judicial reform, judicial system, judicial independence, disciplinary accountability, cassation, digitalization, judicial election.

**Introduction**

A judiciary is an essential element of the rule of law and a guarantee for citizens' rights and liberties, yet reform of Kazakhstan's judicial system remains particularly vital for public administration transformation and legal modernization efforts.

Received: 13.05.2025. Accepted: 05.06.2025. Available online: 30.06.2025.

Recently, large-scale initiatives to improve this aspect of their public administration were undertaken, such as digitalizing judicial processes, introducing three-tier cassation models, elements of judicial elections, and reviewing disciplinary accountability mechanisms.

Special focus has been given to ensuring judicial independence, procedural transparency, and building public trust [1:97]. Furthermore, various innovations - such as changes to cassation review procedures, appeal deadlines, and disciplinary practices - require scientific reassessment. Therefore, this study intends to conduct a systematic analysis of Kazakhstan's judicial reforms, identify legal risks and provide recommendations for further improvement.

Since gaining independence, Kazakhstan has undertaken broad institutional reforms in judicial organization and proceedings aimed at creating a modern, efficient, accessible judicial system. One significant milestone was the adoption of the Constitutional Law "On the Judicial System and Status of Judges," which laid down principles for court organization as well as independence guarantees and provided a foundational framework for its functioning.

Significant achievements included the establishment of jury trial institutions, which increased public involvement in administering justice. Furthermore, new categories of specialized courts, such as economic, administrative, and juvenile courts, were created for use based on dispute types under consideration. Finally, the expansion of the judicial corps also took on added significance due to rising workload and the necessity of improving access to justice at the local level.

Digitalization of the justice system has emerged as an essential pillar of modernization. Widespread implementation of information and communication technologies, including creation and development of the "Judicial Cabinet" electronic service, has allowed for optimized document circulation, reduction in paper processes, and acceleration in communication among participants in legal proceedings. Furthermore, audio and video recording systems for court hearings have provided significant procedural transparency enhancement as well as additional safeguards that protect parties to proceedings.

As part of an effort to increase judicial activity transparency and accessibility, live streaming of court hearings was introduced in Kazakhstan as an attempt to establish an accountable and transparent justice system that meets standards for fair trial procedures in the digital era [2].

As of December 2023, Kazakhstan has introduced the "Digital Analytics of Judicial Practice" platform. This IT service allows predictive analysis of case outcomes based on claims submitted to it; ultimately leading to greater predictability in court decisions as well as enhanced awareness among parties [3].

Kazakhstan began operating under its Administrative Procedural and Process-Related Code on July 20, 2021, which governs the resolution of private-law disputes between citizens and public authorities. It aims to protect citizens against abuses committed by state bodies while simultaneously developing administrative justice institutions.

Beginning January 1st, 2024, a mechanism has been put in place for electing chairpersons of district courts via secret ballot by the judiciary. Budget planning in this sphere has also been handed over to the judiciary, strengthening its institutional independence. The High Judicial Council ensures that the selection of objective, professionally minded judicial candidates is carried out objectively and impartially through its autonomous body that has broad authority to deal with matters related to appointments and discipline oversight of judges. Additionally, pursuant to Constitutional Law No. 2024 "On Amendments and Additions to Certain Constitutional Laws of the Republic of Kazakhstan", provisions were adopted to increase the efficiency of Judicial Jury including strengthening disciplinary accountability of judges [4].

Per the provisions of applicable legislation, an expansive institutional reform of Kazakhstan's judicial system will take place on July 1, 2025. This reform includes the establishment of three independent cassation courts specializing in criminal, civil, and administrative cases to enhance specialization in cassation proceedings as well as improve quality and consistency in decision-making by judges. Furthermore, a uniform cassation procedure that conforms to international standards will also be introduced across legal proceedings to promote procedural fairness.

Significant modifications have also impacted the functional capabilities of both the Supreme Court and regional courts. Under this new model, the Supreme Court will no longer play an active role in administering justice but rather focus on its analytic and methodological roles: research on and generalization of judicial practice as well as oversight of the legality of enforcement actions taken by courts. Review of judicial acts by the Supreme Court will only be permitted under exceptional circumstances and on submission from one of its judges. This approach aims to minimize the intervention of the highest judicial instance in matters already decided at the cassation level and facilitate more direct administration of justice by local and specialized cassation courts.

Kazakhstan implemented its policy of equal access to justice and reducing corruption risks by adopting an extraterritorial jurisdiction model in civil cases in August 2022, which allowed plaintiffs to select any court regardless of territorial jurisdiction. Beginning in 2025, this practice will also apply to administrative cases. This approach helps foster public trust in the judiciary while mitigating influences by local actors that undermine its independence.

To bolster institutional safeguards of judicial independence, additional procedural barriers have been implemented to limit undue influence from law enforcement agencies. Covert investigative actions against judges now require prior authorisation by the Prosecutor General of Kazakhstan - this measure should prevent abuse while strengthening protections for the judiciary against external pressures.

On October 4, 2024, at the IX Congress of Judges of Kazakhstan, an updated Code of Judicial Ethics was approved. This document serves as an important normative instrument, intended to bolster both professional and moral-ethical standards of judicial conduct [5]. It establishes rules governing both judges' official conduct as well as their extrajudicial behavior, providing benchmarks consistent with impartiality, independence, integrity, and accountability towards society - its adoption is a significant step toward improving public trust in the judiciary while unifying standards across fields such as professional judicial ethics [5].

Overall, Kazakhstan's judicial system currently shows a high degree of institutional coherence and functionality compared to many other state institutions. One key factor contributing to legality and justice in judicial decision-making is state guarantees of independence and immunity for judges; further strengthening resilience by providing relatively high material and social security benefits for them, thus decreasing corruption risks while encouraging objective and well-reasoned judgments from them.

An independent, impartial, and incorruptible judiciary also creates a favorable institutional environment for economic development by safeguarding investor rights and guaranteeing that contractual obligations are enforced in an equitable fashion. This, in turn, strengthens not only the legal foundations of states but also investment attractiveness within international arenas, thereby stimulating business activity and encouraging foreign capital inflows.

Undergoing reforms and efforts by the government to enhance the judicial system, institutional and normative conditions necessary for judges to uphold principles of justice,

professionalism, and legal impartiality have now been created. Therefore, judges now serve as essential mechanisms in protecting citizens' rights and liberties as well as maintaining the rule of law and the stability of state governance.

### **The methodology**

This study utilized an approach that combined general scientific and specialized legal methods, providing an in-depth examination of institutional and procedural changes within Kazakhstan's judicial system. Particularly, the formal legal method was utilized to interpret applicable legislation such as the Constitutional Law "On the Judicial System and Judges", the Administrative Procedural and Process-Related Code, as well as normative resolutions from both courts, such as resolutions from the Supreme Court and the Constitutional Court. This approach allowed us to identify internal logical links among legal norms governing the functioning of the judiciary, cassation review procedures, and disciplinary accountability mechanisms.

Comparative legal method was utilized to analyze the judicial practices implemented in Kazakhstan against those seen elsewhere, such as in the US and European countries. This allowed evaluation of whether international justice standards have been integrated into national legal structures successfully as well as identification of areas that require further legal reform or borrowing.

Additionally, the systems-based approach allowed for an analysis of the judiciary as an integrated institutional structure interacting with other branches of state power. Structural shifts within court systems, such as new cassation instances being created or powers being redistributed across different judicial levels, were evaluated using this approach.

The historical legal method was applied to chart the development of various legal institutions, such as the election of judges and traditional biys' courts, and assess their relevance and adaptability in relation to the modern Kazakhstani legal context.

Collectively, these methodological approaches provided an in-depth analysis of Kazakhstan's ongoing judicial reforms and allowed us to draw comprehensive academic and practical recommendations regarding their future development.

### **Findings/Discussion**

An analysis of recent judicial reforms implemented in Kazakhstan indicates that certain transformations were insufficiently justified concerning their institutional and procedural impact. One such initiative involved abolishing multi-tiered proceedings and transitioning from five levels of courts to a three-tier cassation model - intended to improve review processes, minimize delays during proceedings, and enhance overall justice system efficiency.

However, practical experience has shown that the implemented cassation model has fallen short of its objectives. Innovations adopted have not sufficiently ensured an equitable balance between reducing procedural backlog and litigants' access to meaningful appellate review. According to publicly available data, only approximately 5% of cases were referred by cassation instances for collegial review, suggesting excessive filtering of complaints and limited access to full cassation justice.

This development led to further amendments of cassation appeals. Most notably, legal experts proposed abolishing the preliminary review stage for cassation complaints in both civil and criminal cases - an action which legal experts believe removes artificial procedural barriers. Individuals looking to challenge judicial decisions now file directly with a panel of three judges without going through initial screening [6].

An issue worthy of special consideration, in light of ongoing reforms to the judiciary, is procedural timeframes in civil proceedings. At present, legislation provides for relatively extended timelines for considering cases - some which do not align with principles of efficiency and timeliness of justice - with judges receiving up to seven working days before accepting statements of claim, with 20 working days allocated for trial preparation - although this time limit may be extended up to an extra month if complex cases require it.

Article 183 of the Civil Procedure Code of Kazakhstan mandates that hearings must take place within two months from when a case is deemed suitable for trial, and upon conclusion of hearings the court must issue its final, reasoned judgement within five working days from when its operative part of decision was announced, with copies sent out within three working days to all parties involved. Furthermore, the law provides for 10 working days for correcting clerical, mathematical, or technical errors as well as issuing an additional judgment if grounds exist for an additional ruling.

Amendments have also altered appellate proceedings. Under previous legislation, the deadline for filing an appellate complaint was fifteen calendar days; under current version of legislation this has been increased to one month and copies must now be sent out within five working days to parties and reviewed within two months, which is an increase compared to previously one-month timeframes; preparation and delivery of appellate decision are then both subject to five working day timespan per respective party.

An examination of the current regulatory framework shows a strong emphasis on meeting judges' official work schedule and guaranteeing them rest during weekends. However, this normative structure has led to a significant backlog of cases pending disposition, particularly given limited human resources in the judiciary. Criminal proceedings - even complex ones - offer shorter timelines for filing an appeal than civil ones, with deadlines often not exceeding 15 days after the verdict is rendered and without regard to weekends. Furthermore, pre-trial investigation bodies often abide by more stringent deadlines that require formal extensions upon their expiration than courts [7].

Given these disparate outcomes, the findings of this analysis support the need to tailor procedural time limits based on the complexity and nature of each case. It would appear prudent to set indicative timeframes for filing appellate complaints or motions between 10-20 days, while giving judges discretion over setting reasonable limits depending on specific case circumstances and positions taken by parties involved. Therefore, reasonableness in procedural timeframes must become one of the fundamental principles of civil procedure.

Quality and impartial justice delivery represent the central goal and mission of a democratic judiciary, and therefore, their selection and appointment system is key to their effectiveness. A transparent, objective, and fair selection process fosters public confidence in our justice system as a whole.

At the core of justice in society lies the right of every individual to have their case heard by an independent, impartial court. This constitutionally protected principle must be reinforced

through consistent legal practice and institutional safeguards; unfortunately, however, analysis reveals that in certain regions of Kazakhstan, justice continues to fluctuate, not always meeting legal objectivity standards and ethical integrity criteria.

Criminal and disciplinary liability has long been an area of great concern among judges, highlighted by cases where judges have been subject to criminal or disciplinary sanctions for serious violations of law imposed upon them by authorities [8]. Over just nine months in 2024 alone, 21 judges were held responsible for serious legal violations-nearly 2.5 times more than was seen during this same period the year prior. Such figures raise legitimate concerns over quality judicial personnel policy as well as inadequate pre-appointment mechanisms used to assess professional and ethical suitability among candidates.

Even though numerous civic initiatives and projects-such as "Seven Pillars of Justice", "The Exemplary Judge", "The Model Court", and "Fair Trial" have been undertaken-their actual impact in improving judicial culture and professionalism has proven limited. Such initiatives, though symbolic, did not accompany systematic institutional reforms that address structural problems within the judiciary system.

At the same time, numerous public complaints continue to surface in the information space and demonstrate the ineffectiveness of existing feedback mechanisms between citizens and the justice system. Complainants frequently do not receive reasoned, substantive, and timely responses to their appeals, making judicial proceedings appear remote and formalized compared to their expectations. These circumstances underscore the necessity of modernizing not only organizational and procedural structures but also the ethical foundations of judicial conduct in a systemic fashion.

As judges play an essential role in protecting individual rights and the democratic foundations of statehood, stringent standards should be applied to their professional and ethical qualifications. A judge serving as an impartial guardian of justice must possess an impeccable reputation, superior legal knowledge, and an exceptional sense of moral responsibility.

To provide institutional support for the independence of the judiciary as well as enable the President of the Republic of Kazakhstan's constitutional authority over shaping of judicial system, Law "On High Judicial Council of the Republic of Kazakhstan" No. 21 was introduced. On December 4, 2015, Act 436 was adopted, providing this body with autonomy as an autonomous public institution and playing an essential role in judicial personnel policy. As part of its mandate, it must assist in the selection and training of prospective judicial candidates, organize professional development opportunities for judges, extend tenure limits as necessary and suspend or terminate judicial powers when appropriate. As part of recent reforms, the Academy of Justice was disestablished from within the Supreme Court structure and transferred to be under the jurisdiction of the High Judicial Council, symbolizing the consolidation of staffing and educational functions into one specialized agency [9].

No matter the impressive progress made by the High Judicial Council, authors believe that creating the judicial corps requires further democratization and institutional renewal. Judges must possess not only the professional competencies necessary but also meet stringent personal ethics, integrity, and moral resilience standards; additionally, they are obliged to abstain from conduct that compromises their independence, impartiality, or the authority of the judiciary.

At this juncture, it is worth exploring the expansion of civil society participation mechanisms in selecting and appointing judges. A number of democratic countries have successfully

implemented models of partial or full judicial elections to strengthen public oversight and enhance trust in the judiciary. One key advantage is greater transparency of judicial activity and increased legitimacy from citizens as their participation reinforces transparency of its operations and legitimacy in citizens' eyes. Effective judicial activity depends heavily upon public trust as well as understanding the legal rationale behind court decisions among the population.

As announced by the President of Kazakhstan in his September 1 Address, steps already taken towards democratizing the judiciary are an important step toward the incorporation of elective elements into its appointment system. For example, proposals such as applying electoral mechanisms in selecting court presidents and chairs of panels by their peers, as well as nominating candidates to the Supreme Court on an alternative basis, demonstrate this commitment towards increasing transparency and legitimacy within judicial authority [10].

Elections play an integral part in democratic governance by providing public participation in forming state authorities. They represent the will of the people, strengthen civic oversight, and foster popular sovereignty principles. Extending electoral mechanisms to the judiciary may serve as an effective way of increasing trust in their administration of justice, given its limited openness in the appointment systems currently used.

From this context, it is concerning that Kazakhstan lacks any form of judicial elections, even indirect, and that relevant powers have yet to be delegated to representative bodies like the Mazhilis, an electoral body elected via universal suffrage. This risk creates a disconnection between society's needs and expectations and the judiciary, thus diminishing both accountability and legitimacy.

Arguments in support of judicial elections in Kazakhstan can also be seen in its historical and legal traditions. Biys' courts were an institution present during Kazakhstan's pre-industrial society that enjoyed high levels of public recognition and trust; their authority rested not upon formal powers but instead was built upon personal integrity, fairness, moral impeachability, social legitimacy, and decisions which were seen as final and just. These experiences highlight long-held traditions within Kazakh society that recognize people's courts as sources of justice that may be revisited or modified depending on current legal conditions.

Future elections at the district level could serve as a reasonable compromise between full democratization of the judiciary and professional qualifications for appointments. Local populations who are familiar with candidates could help provide objective evaluations of the moral and professional qualities of candidates; with effective institutional oversight by higher courts as well as appellate and cassation review mechanisms available, risks of populism or undue electoral influence appear minimal.

If society entrusts lay jurors with the power to render verdicts in serious criminal cases, it seems only logical for citizens to participate in the formation of lower-level judicial bodies. Not only would this improve mutual accountability between judges and society, but it would also facilitate the formation of higher judicial instances on an impartial merit basis comprising experienced, mature, ethically impeccable judges. For a rule-of-law state to function effectively, its judiciary must embody justice by remaining accessible, transparent, impartial, and accessible to its public as an exclusive elite clique [11].

An analysis of the functioning and public sentiment surrounding the judiciary reveals a deep mistrust of it by many members of society, especially when it comes to its effectiveness and accessibility. A major source of unhappiness among many is due to individuals seeking justice

not receiving comprehensive, well-reasoned, timely responses for their submissions, which in turn creates difficulties for arranging in-person consultations, leading to questions concerning not only its substance, but also its organizational structure, particularly regarding personnel levels within its highest body.

At present, the Supreme Court of Kazakhstan comprises 65 judges who each hold equivalent status to that of ministerial office; these individuals are supported by administrative staff. Attracting such an enormous number of judges to serve a population of roughly 20 million individuals draws reasonable criticism. An impressive presence may be taken as evidence of systemic errors and deficiencies within lower authorities' activities, necessitating regular adjustments at the cassation level. Compare that to the U.S. Supreme Court, which serves 340 million+ people but comprises only nine judges, including its chairman. At the same time, the American Supreme Court provides both cassation and limited first instance functions in certain categories of cases (for example, disputes between states or diplomatic affairs). According to Article III, section 1 of the U.S. Constitution, judges hold office under strict standards of conduct that ensure institutional continuity and sustainability [12].

At this juncture, there has been much discussion of the wisdom behind such a significant concentration of judges for the Supreme Court in one location - usually the capital city - of a state. While discussions regarding territorial distribution of judicial personnel have taken place among academic and public circles for some time now, this concept has yet to be implemented fully and modern justice should not only be professional but also geographically accessible.

Reform plans include the establishment of three separate cassation courts in the capital for criminal, civil and administrative cases, with about 100 judges on staff for each court. While functional specialization may seem desirable in theory, such a strategy raises logistical and social concerns when cases come from distant regions; especially complex multi-volume criminal or property disputes may incur considerable financial and organizational expenses for moving across state lines. This includes government expenses related to materials and personnel delivery as well as citizens themselves who bear an additional financial burden such as relatives of convicts, representatives from parties or lawyers in charge of prosecution in addition to travel, accommodation and meal costs in one of the most costly cities of their respective nations - this being one of many examples where government expenses often outstrip civil expenditures.

The results of this study demonstrate that legality assessments of judicial acts can be performed without physically transporting case materials and participants involved to the capital city. Given regional disparities, it may be appropriate to deploy cassation instances in strategically important regions across the country - for instance south, west and north - not only reducing burden on central authorities but also guaranteeing access to cassation appeals within each region and increasing efficiency within justice system as a mechanism for protecting rights and legitimate interests of its citizens.

One of the more contentious issues remains how judges may be brought under disciplinary scrutiny. According to Constitutional Law No. 28 dated December 25th, 2000, "On Judicial System and Status of Judges of the Republic of Kazakhstan", one method may be brought before them for discipline. Under Section 132, judges may be disciplined for violations of both the rule of law and the Code of Judicial Ethics. A judicial error refers to actions that have led to misinterpretation and application of substantive or procedural law unrelated to their culpable acts by judges. At the same time, it was highlighted that any errors committed by judges, as well



as cancellation or amendment of their acts, do not incur liability unless gross violations of law occurred and were identified in an act from a higher court [13].

The concept of gross violation of law can be found in Resolution of the Supreme Court dated May 14, 1998, No. 382. Under Article 1, "On certain aspects of judicial power in the Republic of Kazakhstan", any obvious and significant violation of law by a judge, whether intentional, negligent, or through some other means, is recognized as a gross violation (Paragraph 11 of the Law). At present, it is reasonable to call attention to the legality of invoking an act by a higher court to demonstrate an alleged gross violation by a lower court, since such an indication establishes guilt even prior to any formal disciplinary proceedings being instituted against him and denies him the opportunity for legal protection, such as appealing his/her conviction [14].

The study demonstrated the need to remove from law the requirement that indicates in a higher court act any gross violations of law. If such violations are found to be gross by such courts, execution and indisputable punishment are usually carried out against perpetrators; in addition, corporate interests often dictate judicial practice so cassation instances do not provide proper assessments even in the event of overturning decisions of higher courts.

At this juncture, in our opinion, any gross violation of the law should be addressed independently by a Judicial Jury upon receiving complaints from both sides. In doing so, two objectives would be fulfilled simultaneously: firstly, participants' rights are not infringed upon and they have access to state bodies for recourse; and secondly, judges can defend their constitutional and legal status, inviolability of judgment, etc.

Consideration by the Judicial Jury does not indicate any disciplinary offense on behalf of a judge; rather, its newly expanded composition with 13-15 experienced and qualified judges who possess high professional qualities can sort it out and determine if there has been any gross violations of law by them and/or consider your complaint accordingly.

## **Conclusion**

Legal and institutional analysis revealed that, as part of Kazakhstan's ongoing modernization efforts, its judicial system is undergoing widespread transformations involving both procedural and organizational aspects of its functioning. Reforms aimed at increasing justice efficiency, strengthening judges' independence and digitalizing proceedings all indicate a course towards legal evolution in keeping with constitutionally recognised principles such as the rule of law, justice, and legal certainty. However, significant gaps and internal contradictions have been revealed in the implementation of some areas of reform. One such area involves applying provisions on disciplinary responsibility for judges - specifically making early reference to any gross violations of law in acts by higher authorities that violated them - without adequate due process procedures in place; furthermore, the current model of centralized cassation review creates barriers to the territorial and economic accessibility of justice for citizens living in remote regions.

Based on the material analyzed herein, it is clear that several provisions of current legislation warrant regulatory and institutional review. Of particular note is removing from legislation any provision mandating gross violations of law by judges in higher instances as grounds for disciplinary prosecution, as well as giving sole responsibility to review such qualifications to the Judicial Jury without jeopardizing procedural guarantees for judge protection. Given

the size and financial burden on those participating, territorial decentralization of cassation courts seems justified to ensure accessibility, reduce social costs, and foster trust in justice. Institutionalizing elements for electing district judges based on both traditional and modern democratic mechanisms must take place, as well as regulatory adjustments necessary since existing procedures do not always meet reasonableness, effectiveness and fairness criteria.

Conclusions reached from this research support the initial hypothesis regarding a need to systematically reevaluate key mechanisms that underpin Kazakhstan's judiciary system. The measures proposed aim at strengthening the independence and accountability of judges, increasing access to justice and creating a legal environment characterized by trustworthiness, openness, and institutional equilibrium. The results of our work have both scholarly and applied value; they can be utilized in standard-setting activities, the creation of strategies for the advancement of the judicial system, educational programs for judiciary personnel, as well as serve as the basis for comparative legal research into judicial reform.

### **The contribution of the authors**

**S.K. Zhursimbayev** – contributed significantly to the analysis of judicial reforms and procedural changes in Kazakhstan, providing insights into their effects, such as digitalization, cassation model elections, and electoral processes for judges. Furthermore, his work helped produce conclusions and recommendations.

**E.S. Kemali** – provided both theoretical and comparative analyses of Kazakhstani judicial reform, comparing its practices against international standards. Additionally, he assisted with methodology development and discussed risks and opportunities related to legal practices in Kazakhstan.

**A.Zh. Muratova (corresponding author)** – coordinated research, wrote the abstract, references, and author information, and conducted key findings analysis; she ensured consistency across the article and managed policy implications formulation.

### **References**

1. Shukenova, Zh.S., Kassymzhanova, A.A., Bekturganova, A.A. (2024) Some issues on improving the judicial system of the Republic of Kazakhstan, Bulletin of L.N. Gumilyov Eurasian National University. Law Series, №1(146), pp. 96–106. Доступно по адресу: <https://doi.org/10.32523/2616-6844-2024-1-96-106>
2. Тлеубаев, Д.К., Иманбаев, С.М. и Карымсаков, Р.Ш. (2021) «Цифровизация уголовного процесса в Республике Казахстан: становление и практика применения», Colloquium-journal, №11(98). Доступно по адресу: <https://cyberleninka.ru/article/n/tsifrovizatsiya-ugolovnogogo-protsessa-v-respublike-kazakhstan-stanovlenie-i-praktika-primeneniya> (дата обращения: 10.02 2025).
3. Казахстан по применению судами IT-технологий занимает четвертое место (2025) 14 марта. Доступно по адресу: [https://baigenews.kz/kazakhstan-prevratitsya-v-it-stranu-predsdatel-verhovnogo-suda\\_185088/](https://baigenews.kz/kazakhstan-prevratitsya-v-it-stranu-predsdatel-verhovnogo-suda_185088/) (дата обращения: 14.03.2025).
4. Constitutional Law of the Republic of Kazakhstan dated July 5, 2024 No. 109-VIII "On Amendments and Additions to Certain Constitutional Laws of the Republic of Kazakhstan". Доступно по адресу: [https://online.zakon.kz/Document/?doc\\_id=37911809](https://online.zakon.kz/Document/?doc_id=37911809) (дата обращения: 11.02.2025).
5. Глава государства принял участие в IX Съезде судей Республики Казахстан. Доступно по адресу: <https://akorda.kz/ru/glava-gosudarstva-prinyal-uchastie-v-ix-sezde-sudey-respubliki-kazakhstan-492648> (дата обращения: 11.02.2025).

6. Судебная реформа: Верховный суд перестанет быть кассационной инстанцией. Доступно по адресу: [https://online.zakon.kz/Document/?doc\\_id=39333513&pos=4;-98#pos=4;-98](https://online.zakon.kz/Document/?doc_id=39333513&pos=4;-98#pos=4;-98) (дата обращения: 11.02.2025).

7. Civil Procedural Code of the Republic of Kazakhstan dated October 31, 2015 № 377-V LRK. Доступно по адресу: <https://adilet.zan.kz/eng/docs/K1500000377> (дата обращения: 11.02.2025).

8. Сколько судей наказали в Казахстане за грубые нарушения (2024) 7 ноября. Доступно по адресу: [https://tengrinews.kz/kazakhstan\\_news/skolko-sudey-nakazali-v-kazahstane-za-grubyye-narusheniya-553235/#:~:text=Отвечая%20на%20вопрос%2C%20судья%20Верховного,прошлого%20года%20всего%20девять%20судей](https://tengrinews.kz/kazakhstan_news/skolko-sudey-nakazali-v-kazahstane-za-grubyye-narusheniya-553235/#:~:text=Отвечая%20на%20вопрос%2C%20судья%20Верховного,прошлого%20года%20всего%20девять%20судей) (дата обращения: 11.02.2025).

9. The Law of the Republic of Kazakhstan dated December 4, 2015 № 436-IV LRK «On the Supreme Judicial Council of the Republic of Kazakhstan». Available at: <https://adilet.zan.kz/eng/docs/Z1500000436> (accessed: february 11, 2025).

10. President Kassym-Jomart Tokayev's State of the Nation Address «Affair state. One nation. Prosperous society». Available at: <https://www.akorda.kz/en/president-kassym-jomart-tokayevs-state-of-the-nation-address-181857> (accessed: 9.02 2025).

11. Журсимбаев, С. Судебная система нуждается в дальнейшем совершенствовании. Доступно по адресу: [https://online.zakon.kz/Document/?doc\\_id=32688355](https://online.zakon.kz/Document/?doc_id=32688355) (дата обращения: 8.02.2025).

12. Constitution of the United States. Available at: <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm> (accessed: 8.02.2025).

13. Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 № 132 «On Judicial System and Status of Judges in the Republic of Kazakhstan». Available at: [https://adilet.zan.kz/eng/docs/Z000000132\\_](https://adilet.zan.kz/eng/docs/Z000000132_) (accessed: 11.02.2025).

14. Нормативное постановление Конституционного Суда Республики Казахстан от 6 декабря 2023 года № 36-НП «О рассмотрении на соответствие Конституции Республики Казахстан подпункта 1) пункта 1 статьи 39 Конституционного закона Республики Казахстан от 25 декабря 2000 года «О судебной системе и статусе судей Республики Казахстан». Доступно по адресу: [https://online.zakon.kz/Document/?doc\\_id=32627639](https://online.zakon.kz/Document/?doc_id=32627639) (дата обращения: 11.02.2025).

**С.К. Жүрсімбаев<sup>1</sup>, Е.С. Кемали<sup>2</sup>, А.Ж. Муратова<sup>3</sup>**

<sup>1</sup>Қонаев университеті, Алматы, Қазақстан

<sup>2</sup>Туран университеті, Алматы, Қазақстан

<sup>3</sup>Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан

(e-mail: <sup>1</sup>skemali@mail.ru, <sup>2</sup>ekemali1973@inbox.ru, <sup>3</sup>muratova\_azh@enu.kz)

### **Қазақстан Республикасындағы ұлттық сот жүйесін жетілдіру: инновациялар мен проблемаларды талдау**

**Аңдатпа:** Бұл мақалада мемлекеттік басқаруды кеңінен трансформациялау және заң үстемдігін нығайту контекстіндегі Қазақстандағы сот реформасының негізгі бағыттары мен қорытындылары ұсынылған. Зерттеудің мақсаты цифрландыру, үш деңгейлі кассациялық модельді енгізу, судьяларды сайлау элементтері, тәртіптік жауапкершілікті реформалау, сондай-ақ сот органдарының тәуелсіздігін нығайту сияқты сот жүйесіндегі институционалдық және процедуралық өзгерістерге жүйелі талдау жүргізу болды. Зерттеу объектісі қазіргі заманғы

отандық сот жүйесі болып табылады, ал зерттеу пәні реформалау тетіктері, соның ішінде осыған байланысты тәуекелдер мен аталған жүйенің даму бағыттары болып табылады.

Бұл зерттеудің әдістемесі формалды-құқықтық, салыстырмалы-құқықтық, тарихи-құқықтық және жүйелік зерттеу әдістеріне негізделген. Авторлар өздерінің талдауларының бір бөлігі ретінде процедуралық ашықтықты арттыру, сот билігінің үлкен автономиясы және цифрлық құралдарды енгізу сияқты оң өзгерістерді, сондай-ақ кассациялық шағымдарды шамадан тыс сүзу, шалғай аймақтардағы сот төрелігіне қол жетімділіктің шектелуі және тәртіптік процедуралардағы белгісіздік сияқты тұрақты құрылымдық мәселелерді атап көрсетеді. Іс жүргізу мерзімдерін құқықтық реттеуге, сондай-ақ судьялардың тәуелсіздігі мен тәртіптік процестердің тиімділігі арасындағы кез келген өзара байланыстарға ерекше назар аударылады.

**Түйін сөздер:** сот реформасы, сот жүйесі, судьялардың тәуелсіздігі, тәртіптік жауапкершілік, кассация, цифрландыру, судьяларды сайлау.

**С.К. Жүрсімбаев<sup>1</sup>, Е.С. Кемали<sup>2</sup>, А.Ж. Муратова<sup>3</sup>**

<sup>1</sup>Университет Кунаева, Алматы, Қазақстан

<sup>2</sup>Университет Туран, Алматы, Қазақстан

<sup>3</sup>Евразийский национальный университет имени Л.Н. Гумилева, Астана, Казахстан

(e-mail: <sup>1</sup>skemali@mail.ru, <sup>2</sup>ekemali1973@inbox.ru, <sup>3</sup>muratova\_azh@enu.kz)

### **Совершенствование национальной судебной системы в Республике Казахстан: анализ нововведений и проблем**

**Аннотация:** В данной статье представлены ключевые направления и итоги судебной реформы в Казахстане в контексте широкой трансформации государственного управления и укрепления верховенства закона. Целью исследования было проведение систематического анализа институциональных и процедурных изменений в судебной системе, таких как цифровизация, внедрение трехуровневой кассационной модели, элементы выборности судей, реформа дисциплинарной ответственности, а также укрепление независимости судебных органов. Объектом исследования является современная казахстанская судебная система, в то время как предметом исследования являются механизмы реформирования, включая связанные с этим риски и перспективы развития указанной системы.

Методология этого исследования основана на формально-правовых, сравнительно-правовых, историко-правовых и системных методах исследования. В рамках своего анализа авторы выделяют как позитивные изменения, такие как повышение процедурной прозрачности, большая автономия судебной власти и внедрение цифровых инструментов, так и сохраняющиеся структурные проблемы, такие как чрезмерная фильтрация кассационных жалоб, ограниченный доступ к правосудию в отдаленных регионах и неопределенность в дисциплинарных процедурах. Особое внимание также уделяется правовому регулированию процессуальных сроков, а также любым взаимосвязям между независимостью судей и эффективностью дисциплинарных процессов.

**Ключевые слова:** судебная реформа, судебная система, независимость судей, дисциплинарная ответственность, кассация, цифровизация, выборы судей.

## References

1. Shukenova, Zh.S., Kassymzhanova, A.A., Bekturganova, A.A. (2024) Some issues on improving the judicial system of the Republic of Kazakhstan, Bulletin of L.N. Gumilyov Eurasian National University. Law Series, №1(146), pp. 96–106. doi: <https://doi.org/10.32523/2616-6844-2024-1-96-106>
2. Tleubaev, D.K., Imanbaev, S.M. i Karymsakov, R.Sh. (2021) «Tsifrovizatsiya ugovnogo processa v Respublike Kazahstan: stanovlenie i praktika primeneniya», Colloquium-journal, №11(98). Dostupno po adresu: <https://cyberleninka.ru/article/n/tsifrovizatsiya-ugolovnogo-protsesta-v-respublike-kazahstan-stanovlenie-i-praktika-primeneniya> (data obrashheniya: 10.0.2025). [in Russian]
3. Kazakhstan po primeneniju sudami IT-tehnologij zanimaet chetvertoe mesto (2025) 14 marta. Dostupno po adresu: [https://baigenews.kz/kazahstan-prevratitsya-v-it-stranu-predsedatel-verhovnogo-suda\\_185088/](https://baigenews.kz/kazahstan-prevratitsya-v-it-stranu-predsedatel-verhovnogo-suda_185088/) (data obrashheniya: 14.03.2025). [in Russian]
4. Constitutional Law of the Republic of Kazakhstan dated July 5, 2024 No. 109-VIII "On Amendments and Additions to Certain Constitutional Laws of the Republic of Kazakhstan". Available at: [https://online.zakon.kz/Document/?doc\\_id=37911809](https://online.zakon.kz/Document/?doc_id=37911809) (accessed: 11.02. 2025).
5. Glava gosudarstva prinjal uchastie v IX Sezde sudej Respubliki Kazahstan. Dostupno po adresu: <https://akorda.kz/ru/glava-gosudarstva-prinyal-uchastie-v-ix-sezde-sudej-respubliki-kazahstan-492648> (data obrashheniya: 11.02.2025). [in Russian]
6. Sudebnaja reforma: Verhovnyj sud perestanut byt' kassacionnoj instanciej. Dostupno po adresu: [https://online.zakon.kz/Document/?doc\\_id=39333513&pos=4;-98#pos=4;-98](https://online.zakon.kz/Document/?doc_id=39333513&pos=4;-98#pos=4;-98) (data obrashheniya: 11.02.2025). [in Russian]
7. Civil Procedural Code of the Republic of Kazakhstan dated October 31, 2015 № 377-V LRK. Available at: <https://adilet.zan.kz/eng/docs/K1500000377> (accessed: 11.02.2025).
8. Skol'ko sudej nakazali v Kazahstane za grubye narusheniya (2024) 7 nojabrja. Dostupno po adresu: [https://tengrinews.kz/kazahstan\\_news/skolko-sudej-nakazali-v-kazahstane-za-grubye-narusheniya-553235/#:~:text=](https://tengrinews.kz/kazahstan_news/skolko-sudej-nakazali-v-kazahstane-za-grubye-narusheniya-553235/#:~:text=) (data obrashheniya: 11.02.2025). [in Russian]
9. The Law of the Republic of Kazakhstan dated December 4, 2015 № 436-IV LRK «On the Supreme Judicial Council of the Republic of Kazakhstan». Available at: <https://adilet.zan.kz/eng/docs/Z1500000436> (accessed: 11.02. 2025).
10. President Kassym-Jomart Tokayev's State of the Nation Address «Affair state. One nation. Prosperous society». Available at: <https://www.akorda.kz/en/president-kassym-jomart-tokayevs-state-of-the-nation-address-181857> (accessed: 9.02.2025).
11. Zhursimbaev, S. Sudebnaja sistema nuzhdaetsja v dal'nejšem sovershenstvovanii. Dostupno po adresu: [https://online.zakon.kz/Document/?doc\\_id=32688355](https://online.zakon.kz/Document/?doc_id=32688355) (data obrashheniya: 8.02.2025). [in Russian]
12. Constitution of the United States. Available at: <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm> (accessed: 8.02.2025).
13. Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 № 132 «On Judicial System and Status of Judges in the Republic of Kazakhstan». Available at: [https://adilet.zan.kz/eng/docs/Z000000132\\_](https://adilet.zan.kz/eng/docs/Z000000132_) (accessed: 11.02.2025).
14. Normativnoe postanovlenie Konstitucionnogo Suda Respubliki Kazahstan ot 6 dekabrja 2023 goda № 36-NP «O rassmotrenii na sootvetstvie Konstitucii Respubliki Kazahstan podpuka 1) punkta 1 stat'i 39 Konstitucionnogo zakona Respubliki Kazahstan ot 25 dekabrja 2000 goda «O sudebnoj sisteme i statute sudej Respubliki Kazahstan». Dostupno po adresu: [https://online.zakon.kz/Document/?doc\\_id=32627639](https://online.zakon.kz/Document/?doc_id=32627639) (data obrashheniya: 11.02.2025). [in Russian]

**Information about the authors:**

**Zhursimbayev S.** – Doctor of Law, Professor, Kunaev University, 107 Kurmangazy str., 050022, Almaty, Republic of Kazakhstan

**Kemali Y.** – Candidate of Law, Associate Professor, Higher School of Law of Turan University, 16a Satpayev str., 050013, Almaty, Republic of Kazakhstan

**Muratova A.** – corresponding author, PhD, Head of the Department of Criminal Law Disciplines, Faculty of Law, L.N. Gumilyov Eurasian National University, Satpayev str. 2, 010008, Astana, Republic of Kazakhstan

**Жүрсімбаев С.К.** – заң ғылымдарының докторы, Қонаев университетінің профессоры, Құрманғазы көшесі, 107, 050022, Алматы, Қазақстан Республикасы

**Кемали Е.С.** – заң ғылымдарының кандидаты, Тұран университетінің Жоғары құқық мектебінің қауымдастырылған профессоры, Сәтпаев көшесі, 16а, 050013, Алматы, Қазақстан Республикасы

**Муратова А.Ж.** – хат-хабар авторы, PhD, Л.Н. Гумилев атындағы Еуразия ұлттық университеті Заң факультетінің Қылмыстық-құқықтық пәндер кафедрасының меңгерушісі, Сәтпаев көшесі, 2, 010008, Астана, Қазақстан Республикасы

**Журсимбаев С.К.** – доктор юридических наук, профессор Университета Кунаева, ул. Курмангазы, 107, 050022, Алматы, Казахстан

**Кемали Е.С.** – кандидат юридических наук, ассоциированный профессор Высшей школы права Университета Туран, ул. Сатпаева, 16а, 050013, Алматы, Казахстан

**Муратова А. Ж.** – автор для корреспонденции, PhD, заведующая кафедрой уголовно-правовых дисциплин юридического факультета Евразийского национального университета имени Л.Н. Гумилева, ул. Сатпаева, 2, 010008, Астана, Казахстан.



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY NC) license (<https://creativecommons.org/licenses/by-nc/4.0/>).