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Research Article

**ALTERNATIVE DISPUTE RESOLUTION IN KAZAKHSTAN:
TOWARD JUDICIAL EFFICIENCY AND CITIZENS' ACCESS TO
JUSTICE**

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ABSTRACT

This article investigates the progress of arbitration and mediation in Kazakhstan, aiming to enhance the efficiency of the judicial system and ensure citizens' access to justice. The study utilizes statistical data analysis to provide quantitative indicators and compares alternative dispute resolution practices in Kazakhstan with those in other countries. It examines the legislative framework governing mediation and arbitration to identify its shortcomings. Findings indicate that alternative methods are more time and cost-effective, with a 30% increase in cases resolved through mediation in 2022, highlighting their effectiveness over traditional litigation. Key recommendations include establishing standards for mediation, developing training programs for mediators, and increasing public awareness of alternative dispute resolution options. These initiatives are essential for improving legal culture and protecting human rights in Kazakhstan, ultimately fostering a more effective and accessible dispute resolution system that enhances citizens' trust in the judiciary and raises legal awareness in society.

Keywords: Mediation, Arbitration, Participatory procedures, Dispute prevention, Legal awareness.

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INTRODUCTION

In recent years, alternative dispute resolution methods have been actively developing in Kazakhstan, driven by the need to enhance the efficiency of the judicial system and improve citizens' access to justice. In a rapidly developing society, where conflicts can arise in diverse areas such as business and family life, the existence of effective dispute resolution mechanisms becomes crucial.

The purpose of this study is to examine the case of Kazakhstan in relation to dispute resolution, with a special emphasis on stakeholder involvement. The objectives of the study include reviewing existing practices, identifying their strengths and weaknesses, and formulating recommendations for improving the development of alternative dispute resolution processes in the country.

Many alternative dispute resolution methods are recognized, such as arbitration, mediation, negotiation, or conciliation, but one of the most distinctive features of these methods is the ability of disputing parties to voluntarily come to a comprehensive solution, thereby avoiding lengthy litigation and associated costs.

Despite the availability of these methods, a gap remains in comprehensive research on the application of alternative dispute resolution methods in Kazakhstan. This gap results in an inability to gain a deeper understanding of their effectiveness and applicability to individuals.

The literature review highlights that although there is a growing interest in alternative dispute resolution methods in Kazakhstan, their application and localization require further research. The author believes that increased involvement of parties in conflicts, as well as the development of educational programs for mediators and lawyers, will greatly improve the quality and accessibility of alternative dispute resolution in the country.

METHODS AND MATERIALS

During the study, various methods of data collection and analysis were used, which allowed us to obtain a comprehensive understanding of the current state and development prospects of alternative dispute resolution methods in Kazakhstan.

The study is based on an analysis of available statistical data provided by the Ministry of Justice of the Republic of Kazakhstan and the Supreme Court of the Republic of Kazakhstan. Data was collected on the number of cases considered through mediation and arbitration in 2020-2022, as well as the time taken to resolve the case. This allowed us to identify trends in the use of alternative dispute resolution methods and assess their impact on the judicial system.

The study included a comparative analysis of alternative dispute resolution practices in Kazakhstan and other countries, such as Germany, the USA and Australia. This allowed us to identify successful practices and mechanisms that could be adapted to the conditions of Kazakhstan. The comparative analysis was based on literature sources, reports published in international journals and studies. The choice of Germany, the USA, and Australia was motivated by their well-established ADR systems, diversity in legal traditions (continental, common law, and mixed models), and the availability of empirical data on mediation and arbitration outcomes. These countries also represent varying levels of mandatory ADR integration, offering valuable insights into different institutional approaches.

The study of legislative and regulatory legal acts related to mediation and arbitration in Kazakhstan allowed us to assess the legal framework for the introduction of alternative dispute resolution methods. An analysis of the legislation was conducted to identify legal obstacles and opportunities for improving the existing system.

Thus, the research methods used provided a comprehensive approach to the analysis of alternative dispute resolution methods in Kazakhstan, which made it possible to obtain substantiated conclusions and recommendations for the further development of alternative dispute resolution methods in the country.

RESULTS

Litigation disputes can be resolved without trial using alternative methods. Many countries are working to expedite and streamline the dispute resolution process, making it more flexible and cost-effective.

In Kazakhstan, increasing attention is being paid to the Kazakh legislative system in the field of dispute resolution, with a focus on alternative methods. In 2011, legislation on mediation was introduced, which became an important step towards the formation of a legal culture based on peaceful conflict resolution. According to the Law of the Republic of Kazakhstan dated January 28, 2011 No. 401-IV "On Mediation", mediation is defined as a process in which a third party (mediator) helps the parties reach a mutually acceptable resolution of the dispute (Law, 2011). This law also establishes the basic principles of mediation, including the principles of voluntariness, confidentiality, and neutrality of the mediator. According to the research of Sulekesheva (2018), the introduction of mediation tools significantly improved access to justice and relieved the judicial authorities. In her comments, she noted that the practice of mediation in Kazakhstan is active, but there is a noticeable lack of attention from the executive branch. This "lack of attention" refers to the limited institutional and financial support for the promotion of ADR mechanisms, the absence of state-led public information campaigns, and insufficient integration of mediation into public service dispute resolution. For instance, ADR procedures are rarely recommended or facilitated within state bodies or public service sectors, and there are no large-scale government initiatives aimed at increasing awareness among citizens or civil servants. To address this, the executive authorities could adopt a more proactive role by funding training programs for mediators, launching public education initiatives about the benefits of ADR, integrating mediation into administrative dispute processes, and developing incentive schemes for local authorities to refer disputes to ADR where appropriate. Such government involvement would likely enhance public trust in ADR procedures and accelerate their adoption across various sectors of society.

In the work of Amanzholov (2021), the special role of the parties in resolving disputes through their direct involvement is emphasized. His research shows that this approach facilitates a better understanding of the parties' interests and leads to more durable, mutually acceptable solutions. Such methods of dispute resolution are also supported by international practice. In particular, in the UK and Canada, mediation with elements of arbitration is a standard practice in the business sector (Ige, 2024). The empirical evidence presented in his study confirms that, in most cases, this effectiveness is due to the reduced resource intensity and lower time costs associated with alternative procedures.

Table 1 juxtaposes essential metrics of alternative dispute-resolution practice in Kazakhstan, Germany, the United States, and Australia – specifically, mean resolution time, cost, enforcement rate, regulatory sophistication, and professional infrastructure—thereby elucidating both Kazakhstan’s recent gains and its remaining constraints.

Table 1
Comparative indicators of ADR systems (2022–2024)

Indicator	Kazakhstan	Germany	USA	Australia
Resolution time (median, days)	30	13,2	≈ 1	≈ 90
Average cost to parties (USD)	≈ 170	≈ 600	≈ 1,200	≈ 800
Enforceability of agreements (%)	85%	≈ 80%	84%	48%
Legislative maturity	2011, (voluntary)	2012, (voluntary + judicial incentive)	1998, (mandatory “consider ADR” in Fed.-courts)	2011, (semi-obligatory)
Mediators 100,000 inhabitant	24,3	8,9	2,1	15,0

Source: Bichia, 2023; Supreme Court of the Republic of Kazakhstan, 2024; Financial Industry Regulatory Authority, 2024

A comparative analysis of the key performance indicators of mediation reveals that, in terms of the average dispute resolution period (≈ approximately 30 days), Kazakhstan ranks second only to the United States, where most sessions are completed within one working day. However, Kazakhstan surpasses Australia and demonstrates results comparable to those of Germany. In terms of the cost of procedures, Kazakhstan offers the most affordable format (≈ approximately \$170), while similar services in Germany are approximately three times more expensive, in Australia – five times, and in the United States – more than seven times. The level of enforceability of mediation agreements in Kazakhstan is also high (85%), which is comparable to the indicators of Germany and the United States and significantly higher than in Australia (48%). In terms of regulations, Kazakhstan lags behind the United States, where the legislative framework for mediation was established in 1998, but maintains its position alongside Australia and EU countries in terms of the timing of adopting basic acts. At the same time, the lack of mandatory referral of cases to mediation hinders the spread of the procedure. In terms of staffing, Kazakhstan is the leader (24 mediators per 100 thousand people), but only about 15% of specialists have confirmed certification, which negatively affects the level of trust in the quality of services.

The European Union actively promotes the use of alternative dispute resolution (ADR) methods through various directives and recommendations. Notably, Directive 2008/52/EC on mediation seeks to facilitate the use of mediation in civil and commercial disputes. According to research by Ivanova (2020), the establishment of common EU standards for mediation procedures could help alleviate public mistrust in such mechanisms. Kazakhstan, for its part, is gradually

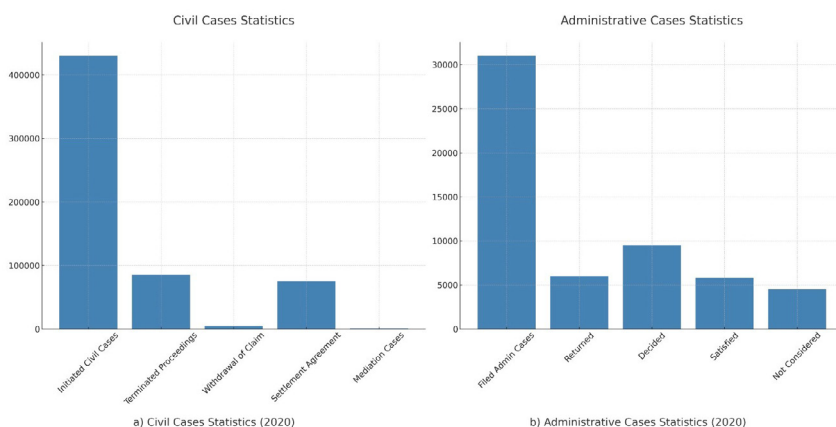
expanding its use of ADR. However, while drawing on successful international practices, it is important to consider that significant cultural and legal barriers continue to hinder the integration of ADR into the country's judicial system (Kalshabaeva et al., 2024).

In accordance with the Order of the Minister of Information and Social Development of the Republic of Kazakhstan dated June 14, 2023 No. 244-HK "On approval of the Rules for training under the mediator training program", requirements for the training of mediators have been established, including mandatory courses and certification, which should improve the qualifications and professionalism of mediators in the country (Order, 2023).

Research shows that the application of alternative dispute resolution methods is supported by comprehensive educational programs for both individuals with legal education and the general population. Therefore, the formation of a legal culture based on alternative dispute resolution in Kazakhstan is a promising direction. In recent years, there has been a trend of increasing the use of mediation and arbitration as dispute resolution methods in Kazakhstan. According to the statistical report of the Committee for Legal Statistics and Special Accounting, published on the website Qamqor.gov.kz, 434,761 civil cases were initiated in 2020. A total of 79,937 (18%) cases were considered, and the proceedings were terminated, including 4,186 cases related to the withdrawal of the claim, 8,314 cases related to the conclusion of a settlement agreement, 63,926 cases terminated on other procedural grounds, and 238 cases related to the dispute resolution procedure through mediation. In the framework of the Administrative Procedural Code, 31,123 cases were filed with the Administrative Appeals Court on administrative cases, 5,423 cases were returned, 9,461 cases were considered and decisions were made on them, of which 5,327 cases were satisfied, and 4,134 cases were left without consideration (Republican College of Legal Consultants) as shown in Figure 1.

Figure 1

Statistics of civil and administrative cases in Kazakhstan for 2020



Source: Financial Industry Regulatory Authority, 2024

The graphs in Figure 1 illustrate the scale of the judicial workload and the extremely low level of application of ADR mechanisms in Kazakhstan. Of the

434,761 civil cases, only 238 were resolved through mediation, representing approximately 0,06%, which indicates a virtual absence of institutional integration of mediation. A similar disproportion is observed in the administrative jurisdiction: only a third of cases are considered on the merits, while about 13% remain without consideration, indicating the insufficient effectiveness of the pre-trial filter. The data obtained justify the need for regulatory reforms, the introduction of a mandatory focus on ADR, and the creation of a comprehensive certification system for mediators.

The dynamics of the following years, however, reveal a sharp reversal of this picture. Table 2 shows that the number of civil disputes ended by conciliatory procedures (settlement, mediation or participatory agreement) rose from $\approx 50,000$ in 2021 to 56,000 in 2022 and 66,000 in 2023, while the overall share of ADR dispositions among all “mediable” cases increased from roughly 38% to 42,6% over the same period (Supreme Court of the Republic of Kazakhstan, 2023; Supreme Court of the Republic of Kazakhstan, 2024). Preliminary data for the first quarter of 2024 confirm that the indicator remains above 41%, suggesting that the upward trend has become structurally entrenched.

Table 2

Dynamics of the main indicators for ADR in Kazakhstan (2021–1st half of 2024)

Indicator	2021	2022	2023	2024 (Q1)	2024 (H1)
Cases completed through conciliation procedures	$\approx 50,000$	56,000	66,000	19,000	n/d
Total claims/cases considered using any ADR	n/d	n/d	117,000	25,000	n/d
ADR share of all “mediable” cases	n/d	$\approx 38\%$	42,6%	41,2%	41,6%

Source: Supreme Court of the Republic of Kazakhstan, 2024

These data suggest three practical implications. First, the jump of more than $\approx 30\%$ in the absolute use of ADR between 2021 and 2023 suggests that the institutional vacuum identified in 2020 is being filled at an accelerated pace. Second, because this increase coincides with the tightening of mediator training requirements in 2023–2024 and the launch of information sessions in courts, it provides early empirical support for these policy decisions. Third, the stabilization of the ADR share at around 41 - 42% in early 2024 suggests that further growth will depend less on voluntary use and more on additional levers, such as mandatory referral policies, broader public information campaigns, and a tiered national certification system that could enhance trust in mediators' competence.

According to the Law of the Republic of Kazakhstan dated April 8, 2016 No. 488-V “On Arbitration”, arbitration is a dispute resolution process in which the parties agree on an arbitrator or arbitrators to decide on the dispute. This law regulates the procedure for arbitration proceedings and ensures the protection of the parties' rights, thereby increasing confidence in arbitration as an alternative dispute resolution method (Law, 2016).

Court proceedings in Kazakhstan are longer than in Germany and the United States, and the judicial system as a whole is characterized by a higher degree

of complexity (Table 1). According to the Supreme Court of the Republic of Kazakhstan, civil court cases are processed in approximately six months, while cases resolved through mediation are considered on average within thirty days (Supreme Court of the Republic of Kazakhstan, 2023). These figures highlight the significant advantages of alternative dispute resolution methods.

The quality of the interactions between parties and the durability of agreements reached in mediation are also noteworthy. According to the KIOR's 2020 analytical report "Mediation as a way to resolve disputes and conflicts and reduce the level of social tension in society", prepared by the Kazakhstan Institute of Public Development "Rukhani Zhangyru", a sociological survey was conducted among 600 participants of mediation procedures across five regions of Kazakhstan. The survey used a structured questionnaire and was aimed at assessing the satisfaction levels of citizens who had experience with mediation. Results showed that 85% of respondents expressed satisfaction with the agreements reached, citing voluntary participation and the non-adversarial nature of the process as key factors contributing to their approval (KIOR's analytical report, 2020).

Additionally, research shows that mediation has higher compliance rates than court orders. A 2021 study found that 75% of mediated agreements were complied with by the parties within the first year of signing them (Zhakupov, n.d.). This suggests that parties are more likely to comply with the terms reached in mediation, which may be due to their level of involvement in the decision-making process.

The long-term impact of the outcomes of alternative dispute resolution methods is also noteworthy. Research has shown that mediation not only helps resolve current disputes but also improves future relationships between the parties. For example, in a 2020 study, 70% of mediation respondents reported that their relationship with the other party improved after the process (Lukmanova, 2023). This may be particularly important in the context of business relationships, where maintaining good relationships can be essential for effective collaboration.

A comparison of the quality of results from alternative dispute resolution methods and those provided by the courts reveals that, in some cases, the former can be more successful. Traditional litigation often leads to conflicts between the parties and a deterioration in their relations, which makes it difficult for them to cooperate in the future. In contrast, mediation and arbitration processes aim to find solutions that are mutually beneficial and foster cooperation, ultimately leading to more significant long-term outcomes.

However, the study revealed that participants in alternative dispute resolution encounter several difficulties that prevent them from being used effectively. The difficulties are the following:

1. Awareness: Low public awareness of the potential and benefits of alternative dispute resolution methods. Many citizens are unaware of the existence of mediation and arbitration as alternatives to traditional litigation. Research shows that only 30% of the population is aware that an out-of-court option for dispute resolution is possible. This, therefore, implies that a large number of disputes are still considered in courts, even when they can be resolved more effectively and cost-effectively.

2. Skills and qualifications of mediators: The effectiveness of mediation largely depends on the skills and qualifications of the mediators. In Kazakhstan, there is a shortage of professionally trained mediators, which can compromise the quality of the process. According to a 2021 survey, only 15% of mediators reported having the necessary certification and experience. This leads to a significant number of disputes not being resolved, which in turn reduces the parties' confidence in the process.
3. Legal obstacles: The lack of a regulatory framework for mediation and arbitration can create legal uncertainty for parties to the process. It has been found that many lawyers and advocates are unsure of the legal implications of mediated agreements, which discourages potential clients from using this method.
4. The influence of cultural traditions: Turning to the cultural essence, it can be noted that Kazakhstan is rich in history, and traditional dispute resolution methods such as negotiation or mediation have their roots there. However, many of them still prefer to use the court, as it is assumed that decisions obtained from the system are always more legitimate and authoritative. This is a stereotype, which is probably based on the fact that the court system seems strict and serious compared to other methods of conflict resolution.
5. Stereotypes and prejudices: There is a widespread belief among Kazakhstanis that mediation is only useful for resolving "minor" disputes and has no right to exist where the conflict is more serious. This view is based on an unsubstantiated lack of information about how mediation can work effectively in complex circumstances.
6. Social norms: Among more conservative societies, a social group of peers, there may be an indirect rather than direct gravitation toward litigation even when asking for the use of other methods of dispute resolution. This may be a consequence of the fact that litigation is presented as more "correct" or "legitimate" in constructing a sequence of actions (Ayupova & Kussainov, 2016; KIOR's analytical report, 2020; Kalshabaeva et al., 2024).

Based on the data obtained – low public awareness of mediation ($\approx 30\%$), a limited share of certified mediators ($\approx 15\%$) and the absence of mandatory referral of disputes to alternative procedures – it is advisable to formulate the following recommendations for improving the alternative dispute resolution system in Kazakhstan.

Figure 2
Author's recommendations based on empirical findings

15% of mediators are certified
<ul style="list-style-type: none">• Develop a tiered national certification system with continuing education requirements
Public awareness below 30%
<ul style="list-style-type: none">• Launch a national campaign using media, eGov and civil education
Fragmentation of ADR practice across sectors
<ul style="list-style-type: none">• Create professional platforms for knowledge-sharing and co-training (conferences, publications)

Source: Author's own data

Also, Figure 3 shows the proposed legislative changes that contribute to more effective implementation of alternative dispute resolution methods.

Figure 3
Legal and regulatory improvements proposed by the author based on identified barriers

Lack of legal clarity on enforceability of mediation outcomes
<ul style="list-style-type: none">• Amend civil procedure rules to ensure direct enforceability of mediated settlements
Absence of pre-trial ADR obligations
<ul style="list-style-type: none">• Introduce “mandatory orientation” or “genuine steps” certification before filing suit
No national qualification standard for mediators
<ul style="list-style-type: none">• Establish unified national certification and licensing framework

Source: Author's own data

Table 3 provides an assessment of existing ADR mechanisms in Kazakhstan based on legal and institutional readiness.

Table 3
Assessment of existing ADR mechanisms

ADR Method	Institutional Maturity	Legal Framework	Public Accessibility	Effectiveness
Mediation	Medium	Partial	Low	Promising
Arbitration	Medium-High	Strong	Medium	High

Source: Law of the Republic of Kazakhstan, 2016; Kalshabaeva et al., 2024

Based on the obtained empirical data and the results of comparative analysis, the author formulates the following strategic guidelines for the further development of the theory and practice of alternative dispute resolution in Kazakhstan:

1. Develop and implement a multi-level national system of certification and quality control of mediators. This measure aims to restore confidence in the institution of mediation, which has been undermined by the high number of specialists without proper qualifications. Currently, only about 15% of mediators hold valid certification, which raises concerns about the procedural reliability of the procedures. The proposed hierarchical system (basic level, advanced level, and a category of mediators authorized to work in courts), combined with mandatory continuous training, will improve the qualifications of the staff and strengthen institutional confidence in mediation.
2. Introduce a mandatory “preliminary briefing on alternative dispute resolution” for certain categories of civil and family cases. Despite the nominally high availability of ADR mechanisms, their actual use remains limited due to the lack of institutional incentives. By analogy with the Australian “genuine steps” model, the obligation of the parties to either attend an information session on mediation or attempt to resolve the dispute through mediation, as evidenced by the relevant certificate, should be established before filing a claim.
3. Launch a national awareness campaign with a focus on rural areas and the legal community. Given that only about 30% of the population is aware of alternative dispute resolution mechanisms, it would be appropriate to use television, social media, e-government portals, and local government events to systematically disseminate information. Partnerships with civil society organizations and professional legal associations would enhance the legitimacy and effectiveness of the campaign.
4. Harmonize mediator training programs with basic international standards. The current training system is fragmented and inconsistently regulated. Bringing training courses into line with recognized international requirements — with the mandatory inclusion of practical modules on negotiation, professional ethics, and simulated case analysis — will improve the qualifications of specialists and strengthen international recognition of their competencies.
5. Establish interprofessional ADR platforms that bring together judges, lawyers and mediators. The lack of coordination between judicial actors hampers the institutional development of ADR; therefore, a systematic exchange of practical experience, in the form of specialized conferences, joint case studies and cross-training programs, will strengthen mutual understanding between professional groups and contribute to the formation of unified standards of work.

DISCUSSION

According to the data provided in the Results section, approximately 85% of mediation participants in Kazakhstan indicated satisfaction with the agreements reached, with 75% of these agreements being implemented within the first year. Such figures indicate a high level of both procedural adoption of mediation decisions and their practical effectiveness. This allows participants to control the

extent to which they reach the agreements they need. Mediation, as practice shows, is actively used in family and labor relations, where maintaining cooperation between the parties is important.

Arbitration is also often used to resolve commercial disputes. It provides a more structured process than mediation and, unlike mediation, may be more suitable for some cases that are much more complex and require legal expertise. In a 2021 study, 78% of respondents reported receiving their arbitration awards on time, suggesting that arbitration is effective in resolving commercial disputes.

Negotiation is a more informal approach to resolving a problem and can be useful in various scenarios. However, in contrast to mediation and arbitration, negotiation may be the least effective in cases where parties lack negotiation skills or where there is a significant power imbalance between them.

Research shows that effective negotiations break down when parties to a contract are not willing to compromise and, therefore, are unable to engage in meaningful dialogue. Based on the assessment, it can be predicted that the most effective forms of dispute resolution in Kazakhstan, utilizing mediation and arbitration, are more suitable for complex commercial and family disputes. The introduction of alternative dispute resolution in Kazakhstan has profoundly transformed the judicial system. As the number of cases resolved through alternative means increases, so does the unloading of courts. The Supreme Court of the Republic of Kazakhstan reported that the number of civil cases contested in court has decreased by 20% since 2020. This is a result of the increasing preference for the use of mediation and arbitration (Supreme Court of the Republic of Kazakhstan, 2023).

Reducing time it takes to process cases is also an important aspect. As stated earlier, the average duration of mediation is 30 days, while traditional litigation can last up to six months. Reducing this time frame will not only improve access to justice but will also allow the court system to focus on more complex cases.

Despite the growing interest in ADR methods, only 17,6% of civil cases were resolved through mediation in 2022. This fact confirms the prevalence of traditional judicial procedure and highlights the need for more effective institutional mechanisms to promote ADR.

In order to increase the effectiveness of alternative dispute resolution methods in Kazakhstan, a number of practical recommendations should be implemented to improve current processes and increase overall accessibility for the population. Key steps include the development and implementation of training programs for the professional training of mediators. These courses should focus not only on the theory and practice of the mediation process, but also on negotiation and conflict resolution skills. It is essential that the training meets international standards.

It is necessary to conduct active information campaigns aimed at raising public awareness of the possibilities of resolving disputes through alternative dispute resolution methods. These campaigns can include holding seminars, webinars and information sessions, as well as social media marketing. Educating people about the benefits of mediation and arbitration significantly increases their use of these alternatives. In addition, the participation of well-known public figures and experts is also important in these campaigns, as it gives credibility to alternative methods.

Finally, it is recommended to create platforms for the exchange of experience between mediators, lawyers, and other professionals interested in these services. This can be achieved through regular conferences, roundtables, and online forums, where participants can share best practices and discuss the problems they encounter. Such information exchange can help improve the standards of arbitration and mediation in the country.

The widespread adoption of alternative dispute resolution methods in Kazakhstan also requires legislative changes to increase their effectiveness. The current legal framework regarding mediation and arbitration should be reviewed and simplified to enhance clarity and efficiency. This may include establishing clear and reasonable rules regarding the mediation process, including the rights and obligations of the parties, as well as the scope of consequences of mediation agreements. Such legislative changes may reduce legal uncertainty and increase trust in alternative methods.

In order to increase the use of alternative dispute resolution methods in Kazakhstan, it would be reasonable to consider the possibility of developing advisory norms for judicial bodies that would facilitate the referral of cases to mediation where possible and appropriate. It may also be appropriate to introduce pilot programs aimed at popularizing mediation in certain categories of cases, which would preserve the principle of voluntariness and mutual consent of the parties, as enshrined in Article 5 of the Law of the Republic of Kazakhstan on Mediation (Law, 2011).

An analysis of the experiences of other countries in the field of alternative dispute resolution will provide Kazakhstan with valuable lessons that can be implemented in the country. A comparison of median ADR resolution times reveals significant cross-jurisdictional differences: in the US, resolution is typically completed within one business day, in Germany – within 13,2 days on average, in Australia – around 90 days, while in Kazakhstan this figure is 30 days. At the same time, the level of enforcement of mediation agreements is 84% in the US and 85% in Kazakhstan. The difference between the high speed of dispute resolution in the US and the higher enforceability rate in Kazakhstan may be due to the specifics of the procedural architecture and cultural attitudes towards mediation: recent changes in the legal framework in Kazakhstan, as well as significant involvement of the parties in the procedure, probably contribute to the increased sustainability of the agreements reached and their voluntary implementation. Countries such as Germany, the United States and Australia widely use mediation for commercial, family and labor disputes. For example, in Germany, mediation is mandatory for certain categories of cases, which has significantly increased its use and reduced the burden on the courts (Bichia, 2023). In the United States, a prominent example is the mediation and arbitration system of the Financial Industry Regulatory Authority (FINRA) (2024), which oversees dispute resolution in the securities industry. According to FINRA, about 84% of mediated cases are resolved in amicable settlements, with many resolved in as little as one business day, demonstrating the effectiveness and institutional maturity of ADR mechanisms in the United States.

Key aspects that could be used in Kazakhstan include the following:

1. Active information campaigns using social media, mass media and public events to disseminate information about the benefits of mediation and arbitration (Gaur, 2024).
2. The introduction of recommended norms for mediation will help to speed up the resolution of disputes. For example, in Italy and Spain, mandatory mediation is provided for in family law cases (Korsakoviene et al., 2023).
3. Educational programs for training mediators. Countries with well-developed alternative dispute resolution systems, such as Canada and Australia, have introduced pedagogical courses for training mediators. These courses include aspects of mediation theory and practice, which improve the quality of services (Meggitt & Somji, 2016).
4. Adaptation of foreign alternative dispute resolution methods to the conditions of Kazakhstan requires taking into account the cultural and legal characteristics of the country. Kazakhstan has a unique legal and cultural heritage that influences the adoption and use of alternative dispute resolution methods.
5. Cultural specifics are that traditional forms of dispute resolution, such as oral negotiations and mediation, are strongly represented in Kazakhstan and are deeply rooted in the culture. Historically, Kazakh society employed institutions such as the bi court (biler soty), where respected elders (biys) acted as impartial arbitrators in public disputes, emphasizing conciliation, oral agreements, and social harmony. These traditional practices share common principles with modern mediation, such as voluntariness, neutrality, and public trust. This has a positive impact on integrating alternative dispute resolution methods into the existing framework. For example, mediation can be tailored to cultural traditions, making it more convenient for the population (Ayupova & Kussainov, 2016).
6. It is necessary to take into account the legal peculiarities of Kazakhstan, which may range from the development of new rules promoting the increased use of alternative dispute resolution procedures to more liberal regulation of mediation and arbitration processes (Abdrasulov et al., 2015).

Analytical approaches to alternative dispute resolution methods indicate significant potential for their development in Kazakhstan. Adaptation of successful foreign practices to local conditions always involves optimization of the quality of implementation of permitting procedures. The main conclusions boil down to the need to introduce recommended standards in the field of mediation, improve the qualifications of mediators and actively inform the population about the possibilities of mediation. Problems and practical research in the field of alternative dispute resolution methods in Kazakhstan can be changes in legislation, development of educational programs and study of cultural foundations, which will undoubtedly help to carry out effective implementation.

CONCLUSION

This study is devoted to a comprehensive analysis of the development and current state of ADR in the Republic of Kazakhstan, with an emphasis on mediation and arbitration as key tools for improving the efficiency of the judicial system and expanding institutional access of the population to justice. The purpose of

the study was to systematize and critically evaluate Kazakhstan's experience in the field of ADR, taking into account the degree of participation and interaction of all interested parties in legal relations. The objectives included analyzing current law enforcement and institutional practice, identifying its advantages and existing limitations, and developing substantiated recommendations aimed at optimizing the functioning of the alternative dispute resolution system in the country.

The results of the study indicate stable positive dynamics in the application of ADR in the Republic of Kazakhstan. In particular, in 2022, there was a 30% increase in the number of cases resolved through mediation, reflecting growing confidence in this procedure. Mediation has proven itself to be an effective tool in terms of time and economic parameters: the average duration of the procedure is about 30 days, and the associated costs are approximately \$170, while the average period for considering cases in traditional legal proceedings reaches six months. The high level of satisfaction of participants in the mediation process (85%) and the rate of implementation of mediation agreements during the first year at 75% confirm the reliability, voluntariness and social acceptability of this dispute resolution mechanism.

A comparative analysis of the application of ADR in the Republic of Kazakhstan and such jurisdictions as Germany, the United States and Australia revealed Kazakhstan's competitive positions in a number of key parameters, in particular, in terms of dispute resolution timeframes, the relative cost of procedures and the degree of enforceability of mediation agreements. At the same time, the study revealed significant institutional limitations, including insufficient regulatory and legal detail, a limited level of professional training among personnel, and low legal awareness among the population. It is significant that in 2020, only 0,06% of civil cases were resolved through mediation, and the share of certified mediators in the professional community did not exceed 15%, which indicates weak integration of ADR into law enforcement practice and limited dissemination of mediation culture in society.

The analysis also revealed a number of cultural and systemic barriers that hinder the development of alternative dispute resolution in the Republic of Kazakhstan. The most significant factors include the low level of public awareness of mediation and arbitration institutions (approximately 30%), the lack of clear legal regulation regarding the status of mediation agreements, and the insufficient degree of interprofessional interaction among lawyers, judges, and mediators. In addition, there are persistent socio-cultural attitudes that perceive mediation as a secondary or "not serious enough" dispute resolution mechanism. The absence of a rule mandating a preliminary attempt to resolve a dispute through mediation, combined with the fragmented nature of the regulatory framework, further complicates the institutionalization of ADR and limits its practical application in the national legal system.

Based on the conducted empirical research and the results of the comparative analysis, strategic directions for optimizing the alternative dispute resolution system in the Republic of Kazakhstan are formulated. The proposed measures are aimed at eliminating the identified institutional and legal restrictions, as well as increasing the efficiency and accessibility of ADR procedures in the national context: development of a multi-level certification system for mediators; intro-

duction of mandatory “information briefing on ARS” for certain categories of civil and family cases; conducting large-scale information campaigns, especially in rural areas; harmonization of mediator training programs with international standards; creation of interprofessional platforms for the exchange of experience between judges, lawyers and mediators.

The study conducted a comprehensive analysis of the legal regulation of alternative dispute resolution methods in the Republic of Kazakhstan, encompassing the regulatory provisions of the laws “On Mediation” and “On Arbitration”, followed by an assessment of the level of institutional maturity of the relevant mechanisms. Proposals for regulatory modernization were also developed, taking into account the identified deficiencies and international standards. Particular attention was paid to the issues of cultural adaptation of foreign experience: it was emphasized that the traditional forms of out-of-court conflict resolution for Kazakhstani society, such as oral negotiations, mediation by respected persons and public forms of interest coordination, can serve as a socio-cultural basis for the further development and legitimization of modern mediation practices.

The scientific novelty of the conducted research lies in the comprehensive systematization of both quantitative and qualitative empirical data characterizing the current state and dynamics of development of alternative dispute resolution methods in the Republic of Kazakhstan. A significant contribution to the research agenda was the comparative analysis of key performance indicators of the ADR with international practices, which enabled the identification of the institutional and cultural features of the national model. A significant result of the study is the development of a practice-oriented roadmap for institutional strengthening and regulatory consolidation of the ADR system. The findings and recommendations obtained have high practical potential and can be integrated into public policy, professional training programs for mediators, legal practice, and also used in the framework of further academic research in the field of legal modernization.

Alternative dispute resolution methods have strong potential for further development in Kazakhstan. The legal framework and organizational structure are established, but it remains important to improve efficiency, access, and public trust. Achieving these goals requires new laws, professional mediation standards, and major information campaigns to grow legal awareness. Solving these issues will help Kazakhstan develop a more responsive and people-centered justice system.

Ethical Commission Approval

This study did not require approval from an ethics committee as it did not involve human participants, animals, or sensitive personal data. All data used in this research were obtained from publicly available sources.

Conflict of Interest Statement

There is no conflict of interest with any institution or person within the scope of this study.

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