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## THE MAIN STAGES OF JUDICIAL REFORM IN THE REPUBLIC OF KAZAKHSTAN

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*The main priorities of justice are determined to ensure the rule of law, streamline the courts to simplify citizens' access to justice, the transition from a five-step system of justice to a three-level, professionalism of the judiciary, the introduction of modern information technologies. One of the main innovations is the transition from a five-step system of justice to a three-tier one. This model fully complies with international standards, since the majority of court cases find their permission on the ground, exclude judicial red tape, and reduce the time taken to adopt judicial acts.*

**Key words:** judicial reform, humanism, court, judicial system, Supreme Court.

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**D**uring the years of Kazakhstan's independence, special attention has been paid to the formation of a modern judicial system adequate to fundamental transformations in the country. This was also noted by the Head of State at the VII Congress of Judges of the Republic of Kazakhstan. Nursultan Nazarbayev focused on the need for further work to improve Kazakhstan's justice in accordance with international standards. On January 1, 2016, a number of laws on the practical implementation of 11 steps of the National Plan «100 concrete steps» came into effect, the execution of which was assigned to the Supreme Court of the Republic of Kazakhstan [5]. The main priorities of justice are ensuring the rule of law, optimizing judicial instances to simplify citizens' access to justice, the transition from a five-stage justice system to a three-level one, the professionalism of the judiciary, the introduction of modern information technologies. One of the main innovations is the transition from a five-stage justice system to a three-level one. This model fully complies with international standards, as the bulk of court cases are resolved locally, eliminates judicial red tape and reduces the time for the adoption of judicial acts.

The Supreme Court retains the function of ensuring uniform judicial practice in the republic. – The most important result obtained in the

first year of work in a three-tier system is that the work of the courts has become more understandable and transparent for the population, starting from the moment of receipt of documents to the court until the final decision is made. A fundamentally new model of legal proceedings has improved the quality of the trial of cases and shortened the time for their consideration. The introduction of alternative dispute resolution methods has completely changed the attitude towards the court as the only mechanism for resolving civil, criminal and administrative cases.

The rule of law in the Kazakh army The Military Court of the Republic of Kazakhstan occupies a special position in the judicial system of our country, it is the first specialized court of independent Kazakhstan, established in June 1992. Military courts are subject to all the functions and tasks of local courts, they operate on the same principles and on the basis of the same procedural and substantive codes and laws. The administration of justice in military courts requires knowledge in the field of military charters, regulatory legal acts, orders regulating the official activities of military personnel. This makes it possible to make objective and fair decisions while ensuring the rule of law in the Armed Forces of the Republic of Kazakhstan, in

the field of defense and state security. – More and more servicemen and citizens began to apply to military courts for protection of their violated rights and interests. Such results have been achieved, first of all, by the explanatory work of judges of military courts on the rule of law, the triumph of law and justice and indicates that more and more servicemen and citizens have begun to trust military courts to protect their rights and interests. The military courts of Kazakhstan strengthen the defense capability and combat readiness of military units through justice and have become an important attribute of the statehood of our country. Innovations Military courts are actively implementing modern information technologies for openness and transparency of judicial processes. We are talking about the so-called electronic justice, developed on behalf of the President of Kazakhstan at the Congress of Judges. To view electronic court documents, you need to go to the electronic information service «Familiarization with court documents» on the website [www.sud.kz](http://www.sud.kz) [3]. Access to this service is also available on our website – [askeri.sud.kz](http://askeri.sud.kz). Viewing is performed by entering a login, password, and IIN. The participant of the trial receives a login and password by electronic notification (SMS message) to a cell phone number or to an e-mail address, – The Judicial Cabinet service is a kind of a single window of access to online services of judicial authorities.

The user of this service, at any convenient time, while at home or at work, can use the Internet to send appeals and file claims and petitions, receive notifications to the court, track the movement of court documents and their status, print court acts and resolutions. Another innovation is the system of audio and video recording of court sessions, which helps to increase the responsibility of participants in the process and judges. By the way, you can view audio-video recordings of meetings online through the court office. To date, the «Judicial Cabinet» has become available on cell phones, the application is synchronized with most of the functionality, such as viewing current news, a list of hearings of cases, the dynamics of the course of consideration of cases and sent documents, a calendar of participants in the trial, which allows you to create events, as well as display information

about court sessions in it. Users of the mobile application can communicate with each other in the «chat» mode and share news on social networks. In order to establish feedback with the population and public participation in the work of the judicial system, the Supreme Court of the Republic of Kazakhstan implemented the project «External Evaluation of Courts». The purpose is to evaluate the work of courts and judges to determine the level of trust of citizens, the protection of their rights and legitimate interests in court, which in turn contributes to further ensuring the openness of courts. The project is implemented in the electronic service of judicial bodies «Judicial Cabinet» and only participants of trials can take part in the questionnaire. On an ongoing basis, the military courts of the Republic of Kazakhstan conduct open on-site trials, in the presence of military units personnel, where the responsibility for committing any military offense is clearly explained to the younger generation of servicemen, round tables, meetings and other events are also held. The military judicial bodies, being directly connected, had a significant impact on the prevention of military offenses, and more than once the responsible persons spoke about the need to continue a The judicial system should definitely be a guarantor of justice and legality, which will certainly contribute to improving the investment climate. The existing judicial system cannot ensure the fulfillment of these tasks without the establishment of new structures designed to administer justice, without improving procedural legislation, without improving the qualifications of judges. improve this activity [4].

An important result of the judicial and legal reform was the introduction of the institution of jury trial, the creation of juvenile courts. Since August 5, 2011, the Institute of Mediation has been introduced in Kazakhstan. In particular, since that time, 240 mediators have been trained and 53 trainers have been trained. A number of activities aimed at promoting the institution of mediation among the population have been carried out [2].

Today, the work of the entire judicial corps of the republic is aimed at increasing the level of trust of citizens in the judicial system and is based on the eradication of errors, red tape in the consideration of cases, complaints about the

actions of judges. However, our society is not sufficiently informed about mediation, its areas of application, and its advantages over litigation. The Union of Judges of the Republic is doing a lot of work in this direction. Without stopping there, round tables, seminars are held, information is placed on stands in courthouses, on Internet resources, separate headings about mediation are created, active work is carried out through radio and television judges.

In accordance with the Law of the Republic of Kazakhstan «On Mediation», mediation is used in the settlement of civil, labor, family and other legal relations involving individuals and (or) legal entities (except in cases where the interests of third parties not participating in the mediation procedure and incapacitated persons are affected or may be affected, or if one of the parties is a state body) [1].

Mediation is an alternative method of dispute resolution by a third neutral, independent party to the subject of the dispute. The mediation procedure provides the parties with the opportunity not only to control the decision-making process on the settlement of the dispute, but also helps to work out on mutually beneficial, mutually acceptable terms a certain agreement of the parties to the dispute. Also, one of the advantages of mediation is the confidentiality of the process, which takes into account personal beliefs, subjective interests of the parties.

Out-of-court settlement of conflicts through conciliation procedures will solve the problem of the workload of courts, at the same time, to some extent, will enhance the efficiency and effectiveness of resolving cases where the parties cannot come to an agreement, will improve the quality of decisions taken [6].

Mediation is inherently comfortable for the parties and almost always leads to a decrease in aggressiveness. This makes it possible to continue the trial more effectively if the mediation was unsuccessful.

In my opinion, there is no problematic aspect in the mediation procedure.

Another innovation in the judicial system is personal surety. Previously, this practice was used only by law enforcement agencies and the Supreme Court. Now it will apply to the entire judicial system.

The concept of an investigative judge was al-

so introduced. He authorizes the arrest. Instead of arrest, alternative security measures began to be used, for example, bail, as everywhere in the world. Other measures of restriction of freedom, in the experience of Western countries played a big role in the development of reforms. We have made changes to the Code of Laws «On Labor», having studied the experience of Germany. It is planned to create a labor dispute court, which is very important not of prison.

There are things in which the Kazakh justice has bypassed the European one.

In Germany, as well as in the USA, filming in the courtroom is prohibited. And in our country, the Supreme Court pays great attention to the following things – transparency and openness. Therefore, audio-video recordings should be made at meetings, which are subsequently transmitted to all participants in the process. In addition, in the appellate instance, judges must necessarily review these records, which they did not always do before.

Also, the judicial system of the Republic of Kazakhstan is moving into a digital dimension. The new online service «Judicial Cabinet» provides citizens with the opportunity to learn the necessary information about the trial without leaving home [7].

Now all participants in the trial have the opportunity to receive data on this case, petition sitting at home at the computer and get acquainted with the documents.

With the introduction of electronic notifications, the turnout has increased – the mechanism of prompt notification of summoned persons has been debugged. The introduction of SMS alerts has significantly reduced the cost of postal services.

Such innovations of the judicial system significantly expand access to justice, minimize bureaucracy and corruption risks, save time and financial resources, and facilitate the judicial process.

In general, it is obvious that the reform of the judicial system carried out in the country gives positive results [8].

Thus, the judicial system of Kazakhstan today has fulfilled the tasks that have led it to the ability to ensure fair and just justice as much as possible. On this path, Kazakhstan had to overcome difficult problems, given that it did not have the long-standing democratic traditions of

statehood that Western countries have.

A full-fledged judicial system has been created in Kazakhstan, which largely meets the requirements of the rule of law and is able to ful-

fill the tasks assigned to it to ensure the implementation of the Constitution and laws, protect the rights, freedoms and legitimate interests of citizens.

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## **ОСНОВНЫЕ ЭТАПЫ СУДЕБНОЙ РЕФОРМЫ В РЕСПУБЛИКЕ КАЗАХСТАН**

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*Главными приоритетами правосудия определены обеспечение верховенства закона, оптимизация судебных инстанций для упрощения доступа граждан к правосудию, переход от пятиступенчатой системе правосудия к трехуровневой, профессионализм судейского корпуса, внедрение современных информационных технологий. Одно из главных нововведений – это переход от пятиступенчатой системы правосудия к трехуровневой. Эта модель полностью соответствует международным стандартам, так как основная часть судебных дел находит свое разрешение на местах, исключает судебную волокиту и сокращает сроки принятия судебных актов.*

**Ключевые слова:** судебная реформа, гуманизм, суд, судебная система, Верховный суд.

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