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DEVELOPMENT OF THE LEGAL INSTITUTE OF MEDIATION IN THE  
REPUBLIC OF KAZAKHSTAN

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**Abstract**

The article presents a detailed scientific and legal analysis of the development of the mediation institute in the Republic of Kazakhstan as a key mechanism for alternative dispute resolution. It examines the theoretical foundations, historical evolution, and legal regulation of mediation, tracing its development from inception to its current state. Legislative acts, including the Civil Procedure Code and relevant mediation laws, are analyzed alongside their application in civil, labor, and commercial disputes.

Mediation is highlighted as an effective tool for reducing the judicial system's burden and balancing the interests of disputing parties. The article studies Supreme Court practice to identify trends in recognizing agreements reached through mediation, confirming its growing role in law enforcement. Special attention is given to professionalizing mediators, developing ethical standards, and promoting judicial mediation to enhance public and organizational trust in the process.

Prospects for further development focus on expanding mediation's scope, introducing technologies for remote dispute resolution, improving public legal literacy, and strengthening the professional community of mediators. The article emphasizes that a stable legal culture based on dialogue, compromise, and justice requires an integrated approach combining theory, regulation, and practical implementation.

Overall, the article shows that mediation in Kazakhstan is evolving as an independent, organized institution capable of effectively resolving conflicts, supporting judicial efficiency, and fostering a culture of law-abiding dialogue. Its development opens opportunities for harmonizing relations between legal entities, enhancing judicial effectiveness, and promoting a culture of constructive dispute resolution.

**Keywords:** mediation, alternative dispute resolution, conciliation procedures, mediator, judicial system, Republic of Kazakhstan.

ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДА МЕДИАЦИЯНЫҢ ҚҰҚЫҚТЫҚ  
ИНСТИТУТЫН ДАМУ

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**Аңдатпа**

Мақалада дауларды баламалы шешудің негізгі тетігі ретінде Қазақстан Республикасындағы медиация институтының дамуына егжей-тегжейлі ғылыми-құқықтық талдау ұсынылған. Медиацияның теориялық негіздері, тарихи эволюциясы және құқықтық реттелуі қарастырылады, оның пайда болуынан қазіргі күйіне дейін дамуы байқалады. Азаматтық іс жүргізу кодексі мен Медиация туралы тиісті заңдарды қоса алғанда, заңнамалық актілер, сондай-ақ олардың азаматтық, еңбек және коммерциялық дауларда

қолданылуы талданады. Медиация сот жүйесіне жүктемені азайтудың және дау тараптарының мүдделерінің теңгерімін қамтамасыз етудің тиімді құралы ретінде қарастырылады. Мақалада медиация арқылы қол жеткізілген келісімдерді тану тенденцияларын анықтау мақсатында Жоғарғы Соттың тәжірибесі зерттеледі, бұл оның құқық қолданудағы өсіп келе жатқан рөлін растайды. Медиаторларды кәсібилендіруге, этикалық стандарттарды әзірлеуге және қоғам мен ұйымдардың осы процеске деген сенімін арттыру үшін сот медиациясын ілгерілетуге ерекше назар аударылады. Одан әрі даму перспективалары медиацияны қолдану аясын кеңейту, дауларды қашықтықтан шешу технологияларын енгізу, халықтың құқықтық сауаттылығын арттыру және медиаторлардың кәсіби қоғамдастығын нығайту болып табылады. Мақалада диалогқа, компаға және әділеттілікке негізделген тұрақты құқықтық мәдениет теорияны, реттеуді және практикалық іске асыруды біріктіретін кешенді тәсілді қажет ететіндігі атап көрсетілген. Жалпы, мақалада Қазақстандағы медиация қақтығыстарды тиімді шешуге, сот жүйесінің тиімділігін қолдауға және заңға бағынатын диалог мәдениетін қалыптастыруға ықпал ететін тәуелсіз, ұйымдасқан институт ретінде дамитыны көрсетілген. Оның дамуы заңды тұлғалар арасындағы қатынастарды үйлестіруге, сот жүйесінің тиімділігін арттыруға және дауларды сындарлы шешу мәдениетін ілгерілетуге мүмкіндіктер ашады.

**Кілт сөздер:** медиация, дауларды баламалы шешу, татуластыру рәсімдері, медиатор, сот жүйесі, Қазақстан Республикасы.

## РАЗВИТИЕ ПРАВОВОГО ИНСТИТУТА МЕДИАЦИИ В РЕСПУБЛИКЕ КАЗАХСТАН

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### Аннотация

В статье представлен подробный научно-правовой анализ развития института медиации в Республике Казахстан как ключевого механизма альтернативного разрешения споров. Рассматриваются теоретические основы, историческая эволюция и правовое регулирование медиации, прослеживается ее развитие от зарождения до современного состояния. Анализируются законодательные акты, включая Гражданский процессуальный кодекс и соответствующие законы о медиации, а также их применение в гражданских, трудовых и коммерческих спорах.

Медиация рассматривается как эффективный инструмент снижения нагрузки на судебную систему и обеспечения баланса интересов сторон спора. В статье исследуется практика Верховного Суда с целью выявления тенденций в признании соглашений, достигнутых с помощью медиации, что подтверждает ее растущую роль в правоприменении. Особое внимание уделяется профессионализации медиаторов, разработке этических стандартов и продвижению судебной медиации для повышения доверия общественности и организаций к этому процессу.

Перспективы дальнейшего развития заключаются в расширении сферы применения медиации, внедрении технологий дистанционного разрешения споров, повышении правовой грамотности населения и укреплении профессионального сообщества медиаторов. В статье подчеркивается, что устойчивая правовая культура, основанная на диалоге, компромиссе и справедливости, требует комплексного подхода, сочетающего теорию, регулирование и практическую реализацию.

В целом, в статье показано, что медиация в Казахстане развивается как независимый, организованный институт, способный эффективно разрешать конфликты, поддерживать эффективность судебной системы и способствовать формированию культуры законопослушного диалога. Его развитие открывает возможности для гармонизации отношений между юридическими лицами, повышения эффективности судебной системы и продвижения культуры конструктивного разрешения споров.

**Ключевые слова:** медиация, альтернативное разрешение споров, примирительные процедуры, медиатор, судебная система, Республика Казахстан.

### Introduction

The development of a rule-of-law state and the formation of an effective system for protecting the rights and legitimate interests of citizens and legal entities presuppose not only a well-developed judicial system, but also effective alternative mechanisms for resolving legal conflicts. With the growth of social and economic activity, the number of disputes arising between subjects of legal relations is steadily increasing, which objectively leads to an increase in the burden on the courts.

In this regard, the institution of mediation is becoming particularly relevant as one of the most sought-after and socially oriented ways of alternative dispute resolution. Mediation is necessary not only for the parties to come to an agreement, but also in order to maintain normal human, family and business relations and reduce the number of conflicts in society.

**Aim** The aim of this article is to analyze the current state of the institute of mediation in the Republic of Kazakhstan and to develop evidence-based proposals aimed at its further development.

**Objectives:**

1. To analyze the theoretical foundations of the institute of mediation, including its principles, functions, and key elements.

2. To formulate recommendations for improving the legal regulation and practical mechanisms for the development of mediation in the Republic of Kazakhstan.

**Methodology** The methodological framework of the study is determined by its aim, objectives, and subject matter, necessitating a comprehensive analysis of the institute of mediation in Kazakhstan. The work employs an integrated interdisciplinary approach based on a combination of general scientific, specialized scientific, and specific legal methods of inquiry.

**Object of Study** The object of the study is the complex of social relations arising during the application of mediation as an alternative method of dispute resolution in the Republic of Kazakhstan.

**Subject of Study** The subject of the study includes legal norms, the practice of their implementation, institutional mechanisms, and organizational conditions that determine the functioning and development of the institute of mediation in the Republic of Kazakhstan.

**Literature Review and Problem Statement** The issues surrounding the development of the institute of mediation have been significantly reflected in both domestic and international legal scholarship. At the international level, issues of Alternative Dispute Resolution (ADR) have been explored in the works of authors such as **L. Brown, S. Goldberg, K. Kovach, and F. Sander**, who established the foundational approaches to understanding the essence of mediation, its principles, and models of legal regulation. These studies laid the theoretical groundwork for the further development of mediation as an independent institution within various legal systems.

In European and US scientific literature, particular attention is paid to the institutionalization of mediation, its integration into the judicial system, the role of the mediator, and issues of professional ethics. Significant contributions to these aspects were made by **R. Folger, M. Deutsch, E. Lind**, as well as researchers from the **European Mediation Institute**.

In the Republic of Kazakhstan, the adoption of the Law "On Mediation" initiated the active formation of a national scientific base on this issue. In domestic doctrine, the legal nature of mediation, its regulatory framework, and its implementation in civil, family, and labor proceedings have been studied by Kazakhstani legal scholars. Notable contributions have been made by **A. T. Asheulov, Zh. Kh. Ibragimova, R. Sh. Temirbulatov, E. A. Zharikov, S. K.**

**Baimaganbetova**, and others who analyze the specifics of the Kazakhstani model of mediation, law enforcement practice, and the organizational aspects of its operation.

A separate body of research is dedicated to the comparative legal analysis of foreign mediation models and the assessment of their adaptability to Kazakhstani realities. Scientific publications in recent years have focused on the institution of professional mediation, mediator training, judicial mediation, and the social factors influencing the efficiency of the procedure.

Despite the significant volume of theoretical and applied research, several issues remain controversial. The mechanisms for the comprehensive development of mediation, the interaction between mediators and judicial/justice authorities, the standardization of professional training, and the influence of the socio-legal environment on the proliferation of mediation in Kazakhstan remain insufficiently studied. This necessitates further scientific analysis aimed at systematizing existing problems and developing proposals to improve the institute of mediation.

The institution of mediation in the Republic of Kazakhstan is an important part of the overall reform of the country's judicial and legal system, focused on humanizing justice, expanding conciliation procedures and increasing public confidence in the legal system.

Mediation as a legal institution has deep historical and theoretical roots. Scientific papers describe mediation as one of the ways to resolve a dispute without trial, when the parties voluntarily participate in negotiations, and they are assisted by a neutral mediator.

According to article 2 of the Law of the Republic of Kazakhstan "On Mediation", mediation is a procedure for resolving a dispute (conflict) between the parties with the assistance of a mediator who helps the parties come to a solution that suits everyone and is carried out at their own request [1]. This definition reflects the key features of mediation: voluntariness, equality of the parties, confidentiality and independence of the mediator.

From the point of view of the legal nature, mediation combines elements of private and public law. On the one hand, the mediation agreement is contractual in nature and is based on the free will of the parties, on the other hand, the state recognizes the legal force of such agreements and ensures their execution.

It should be noted that mediation is a procedure for reconciling conflicting parties through negotiations involving a mediator in order to achieve mutual understanding, which results in the drafting of an agreement resolving the conflict situation.

Mediation was developed in the second half of the 20th century in countries such as the USA, Great Britain, Australia, and then in Germany, the Netherlands, Belgium, and Italy. Currently, mediation is actively used in Japan, China, the Republic of Korea, India and a number of other countries. The spread of mediation was facilitated by the length and high cost of court proceedings, as well as the need for prompt dispute resolution in conditions of diversity and inconsistency of legal systems, which makes mediation a more flexible tool compared to the unification of legislation [2].

Elements of mediation have existed historically in Kazakh society and manifested themselves in the activities of the *Biy* Institute, which functioned for centuries in the Kazakh Khanate. The *Bii*, which had high authority and moral recognition, settled disputes on the basis of customary law and the principles of justice, which in essence corresponded to modern conciliation procedures [3].

In Kazakhstan, the law "On Mediation" was adopted on January 28, 2011, 15 years have passed, but there is still no government agency that would be directly involved in its development, and there is also no effective government policy in this area. Therefore, the research topic is very relevant.

Mediation is still not well understood for Kazakhstan, as we do not have the necessary infrastructure. There are still not enough experienced and qualified mediators, and there are no legislative mechanisms to protect participants in the mediation procedure. Another significant factor that makes the development of mediation in the Republic of Kazakhstan difficult is the low legal culture of the population. The application of the mediation procedure requires from the Kazakh society a certain maturity of the parties, willingness to compromise.

Among the main issues of the mediation procedure, the most important is the insufficient number of professional mediators in Kazakhstan, the remoteness of their location from the courts of first instance located in regional centers, as the possibility of professional mediators traveling to the location of rural residents is difficult.

On the other hand, rural residents are not aware of mediation. In remote areas, information and propaganda activities are poorly organized. There is little widespread information about mediation. Therefore, public confidence is at a very low level [4].

A key element of the introduction of mediation in Kazakhstan is active information and educational work. This means that it is important not only to promote the institution itself, but also to explain to people what mediation is, why it is needed and how it works in practice. Such educational activities should cover not only ordinary citizens who may face conflicts at home, at work or in business, but also the professional legal community — lawyers, judges, lawyers.

The problem here is that many still don't fully understand what mediation is all about. Some consider it just a formality or an alternative to the court, not seeing the real value of the process. As a result, people either don't turn to mediators, or they use mediation incorrectly. Therefore, it is important not only to talk about the existence of the institute, but also to show real examples of its work, train the legal community in mediation skills and create a culture of trust in this method of dispute resolution.

In other words, without systematic education and explanations, mediation will remain a formal procedure, rather than an effective tool capable of reducing the burden on the courts and actually contributing to conflict resolution through dialogue and compromise.

#### **The legal framework of mediation in the Republic of Kazakhstan**

An important step in the development of mediation in Kazakhstan is the adoption of the Law "On Mediation", which defines the legal framework, the status of the mediator, the requirements for his activities and the scope of application.

The legal framework of mediation in Kazakhstan is based on the interaction of several branches of law. Thus, the Code of Civil Procedure provides procedural mechanisms for resolving civil disputes through mediation, while the Labor Code provides opportunities for peaceful resolution of conflicts between an employer and an employee without going to court. In the field of family relations, the Code on Marriage and Family provides for mediation as a tool for resolving conflicts between spouses or relatives, which helps protect the interests of minors and maintain harmonious family relations. A special place is occupied by the Criminal Code and the Code of Criminal Procedure, which allow the use of mediation in cases involving minor and moderate crimes, contributing to the restoration of violated rights and interests of victims and the prevention of recidivism.

The development of mediation in Kazakhstan is also based on international experience. In many countries of the world, mediation procedures have already become an integral part of the legal system, making it possible to effectively unload courts and reduce the costs of participants in disputes. Kazakh legislators and practitioners have carefully studied foreign practices, from judicial mediation methods in Europe to restorative justice programs in North

America. This analysis made it possible to adapt the best approaches to national conditions, taking into account the cultural, social and economic characteristics of the country.

The development of mediation is stimulated by the formation of a professional community of mediators. The creation of associations and associations of specialists promotes professional development, the exchange of experience and the development of common standards of professional ethics. This is important to ensure public confidence in the institution of mediation and the formation of a stable legal culture where conflicts are resolved not through coercion, but through dialogue and compromise.

The legal framework of mediation in Kazakhstan is not just a set of regulations, but a comprehensive system that includes legislation, international standards, professional practices and cultural values. Mediation helps to reduce the judicial burden, reduce social tension and create conditions for the peaceful settlement of disputes, which makes it one of the key tools of the modern legal system.

The development of mediation in Kazakhstan was the result of a comprehensive analysis of the practice of restorative justice, international experience in conciliation procedures and alternative methods of conflict resolution.

In order to strengthen and expand the practice of mediation, on April 25, 2022, Kazakhstan ratified the United Nations Convention on International Settlement Agreements reached as a result of the mediation procedure [5].

#### **Scientific sophistication in scientific research**

The issues and difficulties associated with the development of the mediation institute have been significantly reflected in domestic and foreign legal scholarship.

At the international level, the issues of alternative dispute resolution have been studied in the works of such authors as L. Brown, J. Goldberg, K. Kovacs and F. Sander, who formed fundamental approaches to understanding the essence of mediation, its principles and models of legal regulation. These studies laid the theoretical foundation for the further development of the institution of mediation in the legal systems of different countries.

The scientific literature in Europe and the USA pays special attention to how mediation is consolidated as an institution, how it is integrated into the work of the judicial system and what role it performs, the role of a mediator and issues of professional ethics. A significant contribution to the study of these aspects was made by R. Folger, M. Deutsch, E. Lind, as well as researchers from the European Institute of Mediation.

In the Republic of Kazakhstan, with the adoption of the Law "On Mediation", the active formation of a national scientific base on this issue began. In the national doctrine, mediation issues have been studied by Kazakhstani jurists, among whom one can single out research on the legal nature of mediation, its regulatory regulation, as well as issues of the introduction of mediation into civil, family and labor processes. Scientific contributions were made in the works of A. T. Asheulov, J. H. Ibragimova, R. S. Temirbulatov, E. A. Zharikov, S. K. Baymaganbetova and other researchers analyzing the specifics of the Kazakh mediation model, law enforcement practice and organizational aspects of its functioning.

A separate body of research is devoted to the comparative legal analysis of foreign mediation models and the assessment of the possibility of their adaptation to the Kazakh realities. Scientific publications in recent years have paid attention to the institute of professional mediation, the training of mediators, judicial mediation, as well as social factors affecting the effectiveness of this procedure.

Despite the presence of a significant amount of theoretical and applied research, a number of issues remain controversial. The mechanisms of the integrated development of mediation,

the interaction of mediators with justice authorities and courts, the issues of standardization of professional training, as well as the impact of the socio-legal environment on the spread of mediation in Kazakhstan have not been sufficiently studied. This necessitates further scientific analysis aimed at systematizing existing problems and developing proposals for improving the institution of mediation.

Having considered the current issues of the development of the mediation institute in the CIS countries, Russian researcher Karataev I.A. comes to the following conclusion: "The widespread dissemination of mediation and the improvement of the regulatory framework on this issue is possible only if factors such as the mentality of citizens, the level of their legal culture and legal awareness are taken into account. In our opinion, the solution to this problem is manifested in the active educational work of public authorities at all levels, including local governments, the media and the mediators themselves" [6].

Scientific support of the mediation development process, including the collection of statistics, analysis of practical cases and evaluation of the results of mediation procedures, will contribute to the formation of sound recommendations for legislators and practitioners, which will ultimately strengthen the institution of mediation in Kazakhstan.

#### **Role of Judicial Practice**

The judicial system of the Republic of Kazakhstan plays a key role in the popularization and practical application of mediation. Judges are required to explain to the parties the right to reconciliation and to facilitate the use of mediation procedures.

As part of the judicial reform, judicial mediation is actively developing, which is conducted with the participation of professional mediators or judges who have received special training. This practice makes it possible to significantly reduce the time required to consider cases and improve the effectiveness of justice.

Mediation has become most widespread in the following areas: upon dissolution of marriage, determination of the child's place of residence, communication procedures and recovery of alimony. Its use helps to minimize the negative consequences of conflict for minors; in labor disputes and avoids protracted litigation; in civil disputes, it promotes rapid and effective conflict resolution; in criminal cases of minor and moderate severity, reconciliation between the accused and the victim may be the basis for exemption from criminal liability.

Despite the positive dynamics, the development of the mediation institute faces a number of problems: insufficient legal awareness of the population; a formal approach to conciliation procedures; different levels of professional training of mediators; insufficient motivation of the parties to use mediation.

An analysis of the judicial practice of the Supreme Court of the Republic of Kazakhstan indicates the consistent orientation of the supreme court towards expanding the use of conciliation procedures, including mediation, as an effective tool for resolving legal conflicts.

The summary of the practice of the Supreme Court of the Republic of Kazakhstan in civil cases confirms that reconciliation of the parties through mediation is available at any stage of the trial and at any stage of the process, including appeal and cassation proceedings, subject to the provisions of Articles 174-177 of the Civil Procedure Code of the Republic of Kazakhstan. At the same time, the approval of the mediation agreement entails the termination of the proceedings and the return of the paid state fee to the plaintiff.

In criminal cases, the position of the Supreme Court of the Republic of Kazakhstan is reflected in the generalizations of the practice of applying Article 68 of the Criminal Code of the Republic of Kazakhstan, according to which reconciliation is possible if a person has committed an offense of minor or moderate severity, and the parties have reached agreement

with the victim, including reconciliation with the participation of a mediator, is an independent basis for exemption from criminal liability in the presence of conditions stipulated by law. The Supreme Court emphasizes that in such cases, the real restoration of the violated rights of the victim and the voluntary nature of the agreement reached are of key importance.

The judicial practice of the Supreme Court of the Republic of Kazakhstan confirms the importance of mediation and its sustainable integration into the national justice system.

The court acts not only as a body that applies the law, but also as one who suggests that the parties resolve disputes by alternative means, which makes the institution of mediation more important and useful in practice.

In the future, the expansion of judicial mediation, the improvement of the professional training of judges and mediators, as well as active explanatory work among the population will contribute to the further institutionalization of mediation as a full-fledged mechanism for protecting the rights and interests of citizens and organizations.

#### **The future of the mediation institute and the possibilities of its further development**

The development of the mediation institute in the Republic of Kazakhstan is taking place gradually and in stages and is conditioned both by state priorities in the field of judicial and legal reform and by the objective need of society for effective, fast and less conflict-free ways of dispute resolution.

Firstly, the significant potential for the development of mediation is associated with the further expansion of the scope of mandatory pre-trial dispute resolution. Currently, elements of mandatory mediation are already provided for in civil, labor, family and business law. In the future, it is possible to legislate mandatory recourse to mediation in certain categories of disputes, including in the field of housing, land, corporate and socially significant conflicts, which will significantly reduce the judicial burden and increase the accessibility of justice.

Secondly, the key focus is on improving mediation legislation. We are talking about specifying the legal status of a mediator, clarifying the requirements for his professional training, introducing uniform standards of training and certification, as well as expanding the mechanisms for the implementation of mediation agreements. Strengthening legal guarantees of confidentiality and the voluntary nature of the procedure will help to increase confidence in mediation as a full-fledged institution for alternative dispute resolution.

Thirdly, the prospects for the development of mediation are related to the development of a professional community of mediators, through the development of specialized mediation centers, the accumulation of practical experience by a mediator, with constant professional development and the introduction of standards for the activities of mediators will contribute to improving the quality of dispute resolution.

Fourth, strengthening the interaction of courts with mediation structures plays an important role. Expanding the practice of referring cases to mediation at the stage of preparing a case for trial, actively explaining to the parties the advantages of mediation settlement, as well as the development of judicial mediation in courts of all instances will make mediation a mechanism for protecting the rights and legitimate interests of citizens and organizations, without resorting to lengthy court proceedings.

Fifth, the formation of a legal culture of the population and public confidence in alternative dispute resolution methods is of particular importance. Improving the level of legal literacy, including the basics of mediation in educational programs, conducting awareness-raising activities and popularizing successful practices in peaceful conflict resolution will help change public perception of the dispute as an exclusively judicial problem.

Thus, the further development of the mediation institute in the Republic of Kazakhstan presupposes an integrated approach, including legislative, organizational, educational and cultural measures aimed at strengthening the role of mediation as an effective tool for protecting rights, reducing social tension and increasing the stability of the legal system as a whole.

The integration of mediation into everyday legal practice, its recognition as a full-fledged conflict resolution mechanism and the creation of conditions for the professional growth of mediators will be key factors ensuring the long-term and stable development of this institution.

Mediation in the Republic of Kazakhstan is an important element of the modern legal system, contributing to improving the effectiveness of justice and preventing social tension. Its further development meets the strategic goals of the state's legal policy and the requirements of the time.

### Conclusion

The conducted analysis allows us to conclude that the institution of mediation in the Republic of Kazakhstan is an integral and dynamically developing element of the national legal system aimed at more reliable protection of the rights and legitimate interests of citizens and legal entities, as well as at reducing the burden on the judicial system. In the context of the increasing complexity of social and economic life and the increasing number of conflicts, mediation is becoming a popular way to resolve disputes without trial, consistent with the principles of the rule of law and modern trends in the humanization of justice.

The regulatory consolidation of mediation, primarily through the adoption of the Law of the Republic of Kazakhstan "On Mediation" and its introduction into civil, criminal, labor and family legislation, created the legal basis for the widespread use of conciliation procedures. The generalization of judicial practice confirms the importance of mediation and its sustainable inclusion in the justice mechanism, which indicates the support of this institution at the level of state legal policy.

At the same time, the analysis of law enforcement practice reveals a number of problems constraining the potential of mediation, including insufficient legal awareness among the population, heterogeneous professional training of mediators, a formal approach to the application of conciliation procedures and limited motivation of the parties to the out-of-court settlement of disputes. The presence of these factors indicates the need for further improvement of both regulatory regulation and organizational mechanisms of the mediation institute.

The emergence of mediation in the Republic of Kazakhstan is due not only to the expansion of the range of disputes resolved using it, but also to the consistent strengthening of the professional community of mediators, the active introduction of judicial mediation, as well as the formation of a stable legal culture based on the principles of dialogue, mutual respect and compromise. The implementation of these areas will increase the accessibility of justice, reduce the time and cost of dispute resolution, and strengthen public confidence in the legal system as a whole.

The importance of mediation is also evident in its preventive function: the use of conciliation procedures helps to reduce social tension, prevents the escalation of conflicts and creates a culture of responsibility and respect for the rights of other participants in legal relations. In this sense, mediation is not only a dispute resolution tool, but also a means of forming a more just and civilized society.

According to the statistical indicators provided by the Specialized Economic Court of the North Kazakhstan Region, the breakdown by year is as follows:

2016: 5,329 civil cases were heard, of which 50 were resolved through mediation;

2017: 5,218 civil cases were heard, of which 406 were resolved through mediation;

2018: 5,436 civil cases were heard, of which 92 were resolved through mediation;  
2019: 3,285 civil cases were heard, of which 118 were resolved through mediation;  
2020: 2,259 civil cases were heard, of which 117 were resolved through mediation;  
2021: 2,753 civil cases were heard, of which 177 were resolved through mediation;  
2022: 3,301 civil cases were heard, of which 135 were resolved through mediation;  
2023: 3,121 civil cases were heard, of which 284 were resolved through mediation;  
2024: 3,729 civil cases were heard, of which 495 were resolved through mediation;  
2025: 3,521 civil cases were heard, of which 533 were resolved through mediation.

Thus, the institute of mediation has significant potential for further development and can be considered as an effective tool for implementing the constitutional principle of protecting human and civil rights and freedoms, as well as an important means of ensuring social stability and the stability of law and order in the Republic of Kazakhstan.

The majority of citizens are simply unaware of mediation as an alternative to litigation. A persistent stereotype has formed in the collective consciousness: "dispute equals court." Mediation is often perceived either as an informal "request for a third party to reconcile" or as a costly psychological service lacking legal force. Furthermore, citizens frequently doubt the possibility of reaching an amicable agreement, believing that their rights cannot be protected without a "decision by a state body."

Even when parties are willing to pursue mediation, the current system does not always provide the necessary incentives. In most categories of disputes, mediation is not a mandatory stage. Parties often proceed directly to court because it is viewed as a faster way to formally initiate a process (claim filed, process launched), whereas an attempt at reconciliation is perceived as a delay. Additionally, the civil courts are overburdened, and judges lack real incentives to actively refer parties to mediators.

A settlement reached through mediation is often perceived as more difficult to enforce than a court judgment if one party changes their mind. Furthermore, parties frequently enter a dispute seeking to "punish the offender" rather than to restore a right. Mediation requires abandoning a confrontational stance in favor of a compromise, which is psychologically difficult for many to accept.

There is a profound lack of public trust in the institution of mediators. There is no clear understanding of who mediators are, what qualifications they possess, or what liability they hold. Citizens fear spending money on an "ambiguous intermediary" who provides no guarantee of a specific result.

To address these issues, a comprehensive approach is required:

1. Legislative Reform: Continued refinement of the existing legislative framework.
2. Professional Standards: Enhancing the professionalism of mediators and expanding the practical application of mediation.
3. Strategic Rebranding: Transitioning toward an understanding of mediation as an effective risk management tool for business and a "time-saving technology" for mid-level disputes.
4. Fiscal Incentives: Introducing tax incentives for legal entities that utilize mediation.
5. Cost Recovery: Explicitly establishing in the legislation of the Republic of Kazakhstan the possibility of recovering mediation costs as part of legal/court expenses.
6. Sector Expansion: Implementing mediation within the spheres of public procurement and commercial disputes.

7. Information Policy: Conducting a systemic awareness campaign through the courts and mass media.

8. Educational Integration: Including mediation as a mandatory course in college and university curricula.

9. Digitalization: Creating online platforms for remote (ODR) mediation.

10. System Integration: Integrating mediation services into the "Torelik" system and other digital judicial services.

11. E-Agreements: Enabling the electronic signing and filing of mediation agreements.

12. Contractual Clauses: Promoting the inclusion of mandatory mediation clauses in commercial contracts.

The implementation of these proposals will transform mediation into a fully functional and reliable element of the modern legal system, capable of ensuring a balance of interests between the state, society, and the individual.

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