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## CIVIL PROCEEDINGS CONCILIATIONS IN UZBEKISTAN AND KAZAKHSTAN

This study investigates the implementation of conciliation procedures, namely, mediation, in civil justice systems of Uzbekistan and Kazakhstan case study. The two countries have adopted techniques of alternative dispute resolution (ADR) to assist them in modernizing their judicial processes, because of globalization as with their concomitant increases in caseloads. Adoption by Uzbekistan in 2018 of the Law “On Mediation” and by Kazakhstan in 2011 is a commitment to diminishing court burdens and making access to justice more accessible and enabling faster dispute resolution. It is described as a cost-effective alternative of achieving the obligation to adhere to international legal standards.

The research evaluates the effectiveness of mediation practices using a comprehensive comparative legal analysis of corpus legis (including legislative text), case study analysis, and published scholarship. However, this analysis sheds light on how these dispute resolution and litigation costs were accelerated. This has been a terrific success in bringing mediation options to the public attention, but there are hurdles to be overcome – particularly a shortage of qualified mediators in rural as well as urban areas. But nothing as effective as ADR barriers make, and he itself cannot be rolled out among the wider range of ADR methods.

The study suggests appropriate ways to tackle the existing challenges of public awareness campaign, training of mediators and legal framework for holding mediation agreement enforceable. Compared to the best practices of the world this research finds out what happened in Uzbekistan and Kazakhstan on the course of their moves to this legality and proposes ways to improve conciliation procedures to make such procedures more effective and accessible in such transitioning legality.

**Keywords:** mediation, alternative dispute resolution, civil justice system, legal reform, conciliation procedures.

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### Өзбекстан мен Қазақстанның азаматтық сот ісін жүргізудегі татуластыру рәсімдері

Бұл зерттеу Өзбекстан мен Қазақстанның азаматтық сот төрелігі жүйелерінде татуластыру рәсімдерін, атап айтқанда медиацияны нақты мысалда қолдануды қарастырады. Екі ел де жаһандануға және істердің ілеспе өсуіне байланысты сот процестерін жаңартуға көмектесетін дауларды шешудің балама әдістерін (ADR) енгізді. Өзбекстанның 2018 жылы «Медиация туралы» заңды және Қазақстанның 2011 жылы қабылдауы соттарға жүктемені азайту, сот төрелігінің қолжетімділігін арттыру және дауларды шешуді жеделдету жөніндегі міндеттеме болып табылады, бұл халықаралық құқықтық стандарттарды ұстану міндеттемесін орындаудың экономикалық тиімді баламасы.

Зерттеу заңдар жинағын (заңнамалық актілердің мәтіндерін қоса алғанда) кешенді салыстырмалы-құқықтық талдауды, нақты мысалдармен жарияланған ғылыми жұмыстарды талдауды пайдалана отырып, медиация практикасының тиімділігін бағалайды. Алайда бұл талдау осы дауларды шешу процедуралары мен сот шығындарының қалай жеделдетілгенін көрсетеді. Бұл Медиация мүмкіндіктеріне жұртшылықтың назарын аударудағы керемет жетістік болды, бірақ еңсеруге болатын кедергілер бар, атап айтқанда ауылдық жерлерде де, қалаларда да білікті медиаторлардың жетіспеушілігі. Бірақ ADR кедергілерімен тиімділікке ештеңе сәйкес келмейді және оны ADR әдістерін кең ауқымында қолдану мүмкін емес.

Зерттеу жұртшылықты ақпараттандыру науқанын жүргізуге, медиаторларды оқытуға және Медиация туралы келісімнің орындалуын қамтамасыз ету үшін құқықтық негіздерге қатысты бар мәселелерді шешудің тиісті жолдарын ұсынады. Үздік әлемдік тәжірибелермен салыстырғанда бұл зерттеуде Өзбекстан мен Қазақстанда олардың заңдылыққа көшуі барысында не болғаны

анықталып, оларды заңдылыққа көшу жағдайында тиімдірек және қолжетімді ету үшін татуластыру рәсімдерін жетілдіру жолдары ұсынылады.

**Түйін сөздер:** медиация, дауларды баламалы шешу, азаматтық сот төрелігі жүйесі, құқықтық реформа, татуластыру рәсімдері.

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### Примирительные процедуры в гражданском судопроизводстве Узбекистана и Казахстана

В данном исследовании рассматривается применение примирительных процедур, а именно медиации, в системах гражданского правосудия Узбекистана и Казахстана на конкретном примере. Обе страны внедрили методы альтернативного разрешения споров (ADR), которые помогают им модернизировать свои судебные процессы в связи с глобализацией и сопутствующим увеличением количества дел. Принятие Узбекистаном в 2018 году Закона «О медиации» и Казахстаном в 2011 году является обязательством по снижению нагрузки на суды, повышению доступности правосудия и ускорению разрешения споров, что экономически эффективная альтернатива выполнению обязательства придерживаться международных правовых стандартов.

В исследовании оценивается эффективность практики медиации с использованием комплексного сравнительно-правового анализа свода законов (включая тексты законодательных актов), анализа конкретных примеров и опубликованных научных работ. Однако этот анализ показывает то, как были ускорены эти процедуры разрешения споров и судебные издержки. Это был потрясающий успех в привлечении внимания общественности к возможностям медиации, но есть препятствия, которые необходимо преодолеть, в частности, нехватка квалифицированных медиаторов как в сельской местности, так и в городах. Но ничто не может сравниться по эффективности с барьерами ADR, и сам по себе он не может быть применен среди более широкого спектра методов ADR.

В исследовании предлагаются соответствующие пути решения существующих проблем, связанных с проведением кампании по информированию общественности, обучением медиаторов и правовыми рамками для обеспечения исполнения соглашения о медиации. В сравнении с лучшими мировыми практиками в этом исследовании выясняется, что произошло в Узбекистане и Казахстане в ходе их перехода к законности, и предлагаются пути совершенствования примирительных процедур, чтобы сделать их более эффективными и доступными в условиях перехода к законности.

**Ключевые слова:** медиация, альтернативное разрешение споров, система гражданского правосудия, правовая реформа, примирительные процедуры.

## Introduction

As globalization advances and legal systems face increasing pressure, the need for efficient dispute resolution alternatives has become apparent. Mediation and arbitration, collectively known as “alternative dispute resolution” (ADR), are emerging as crucial components in modernizing legal frameworks. These methods aim to expedite justice, reduce court expenses, shorten case processing times, enhance access to legal remedies, and minimize conflict among disputants (Karipova 2023).

Uzbekistan and Kazakhstan have recently embraced conciliation procedures, aligning with global efforts to alleviate court congestion and improve justice accessibility. Uzbekistan’s 2018 “Law on Mediation” marked a significant advancement in civil proceedings. This legislation defines mediation

as a voluntary process for reaching mutually beneficial agreements without resorting to litigation, thereby reducing time and financial burdens on parties and courts (2024).

Kazakhstan introduced mediation earlier, enacting its “Law on Mediation” in 2011 as part of comprehensive legal reforms to meet international standards. A notable feature of Kazakhstan’s approach is the emphasis on judicial mediation, where judges encourage parties to attempt conciliation before rendering decisions. This strategy not only accelerates case resolution but also enhances decision quality by involving disputants in the settlement process (Baimukhametova 2023).

The growing importance of conciliation procedures is evident as judicial systems face increasing caseloads and resource constraints. Traditional lawsuits can be lengthy, creating obstacles for citizens

and businesses. In this context, mediation and other ADR methods offer an appealing alternative, enabling parties to find solutions within legal boundaries. This is particularly relevant for developing nations like Uzbekistan and Kazakhstan, where judicial systems struggle with efficiency and timely case processing (Serdaly 2023).

Mediation also, of course, accelerates the process of dispute resolution, but it also generates trust between parties. Traditional litigation is a forum designed to worsen one's position and sever business and social relations. Especially in fields dealing with maintaining relationships such as labor, family and commercial disputes, it is particularly useful (Javadov 2020). While mediation clearly benefits current and future conflicts, changed circumstances present obstacles to the adoption of mediation in Uzbekistan and Kazakhstan. A problem is that the benefits and potential of mediation are largely unknown to citizens and businesses. A large number of folks still think that courts are the only way for proper, legal conflict resolution and keep Alternative Dispute Resolution (ADR) from becoming popular. Therefore, the general population and legal professionals need to be promoted to conciliation procedures in the course of comprehensive public information campaigns and educational initiatives (Tlepova 2021).

Another crucial challenge is the shortage of skilled mediators, particularly in rural areas. Although mediation centers are being established and training programs implemented in both countries, their numbers remain inadequate to meet the growing demand for conciliation services. This scarcity restricts public access to high-quality dispute resolution options and undermines confidence in the process.

This article aims to conduct a comparative analysis of conciliation procedures in civil proceedings within Uzbekistan and Kazakhstan. It seeks to identify existing challenges and propose solutions to enhance the effectiveness of these methods in legal practice. The study focuses on examining legislative and practical aspects of mediation implementation, as well as its impact on the quality and efficiency of civil and economic dispute resolution. The research intends to highlight best practices and formulate recommendations for further improving both countries' legal systems.

Mediation has much potential for improving justice systems particularly in the developing legal systems where courts are constantly overburdened

by cases. Already, progress in the development of mediation has already shown positive effects in the field of civil proceedings in Uzbekistan and Kazakhstan. Yet there is a long way to go to secure lasting results and enable these procedures to be fully incorporated into everyday legal practice.

## Materials and Methods

Using a comprehensive comparative legal analysis approach, this research investigated the similarities and differences between the uses to which conciliation procedures, especially mediation, are put in the legal systems of Uzbekistan and Kazakhstan. The first aim of the study was to accustom the integration of conciliation processes into the judicial frameworks of these countries for better dispute resolution. The research looked at how these procedures had been modified to fit each country's own idiosyncratic legal base and economic circumstances.

To do so, the study opened with a detailed exploration of the relevant legal basis developing normative legal acts pertaining to mediation in both countries. It focused, in particular, on Uzbekistan's 2018 Law 'On Mediation' and Kazakhstan's 2011 Law 'On Mediation', civil procedure and economic procedural codes. The purpose of these legal documents was to provide a structured basis for investigating the legislative intent behind promoting mediation and other alternative dispute resolution (ADR) methods in civil proceedings. Empirical data from case studies and reviews of judicial practice in mediation resolved cases 2018 to 2023 were also incorporated in the research, as well as a critical analysis of empirical data.

To get a more nuanced understanding of how conciliation procedures actually work in practice, the study reviewed in detail scientific publications, legal commentaries, academic articles and so on. Case studies were also provided of mediation outcomes in both countries, as well as insights into the practical challenges experienced by mediators and legal professionals in these two countries. This scholarly input facilitated how legislative gaps and practical obstacles in implementing conciliation approached were identified.

The research also compared global best practices of Alternative Dispute Resolution (ADR) by looking at other nations with well-developed mediation systems. The study attempted to find the lacunae in more developed legal systems by juxtaposing those

of Uzbekistan and Kazakhstan and suggest where policy changes and legislative modifications could be brought in. This was intended to produce actual suggestions for improving the efficacy and accessibility of conciliation processes in these countries. To conclude, the study utilizes purely methodologically a mixed approach combining legal analysis with empirical investigation to prepare a comprehensive description of conciliation procedures existing today in Uzbekistan and Kazakhstan.

## Results and Discussion

Civil and commercial disputes can be effectively resolved through reconciliation and compromise, which offer advantages over traditional arbitration and litigation (Bahta 2020). Alternative methods to conventional judicial procedures in civil proceedings include conciliation processes aimed at peacefully settling disputes. These encompass mediation, settlement agreements, and other conflict resolution approaches designed to avoid adversarial litigation. In civil proceedings, reconciliation involves an impartial third party without decision-making power who attempts to facilitate an agreement during the reconciliation process (Godoy 2018).

In Uzbekistan and Kazakhstan, conciliation procedures serve as crucial tools for enhancing the efficiency of the justice system and improving citizens' access to legal services. Both nations have recently been actively incorporating mediation and other alternative dispute resolution (ADR) methods into their legal frameworks, aligning with global trends to reduce court caseloads and expedite conflict resolution (Ismailova 2020). The development of mediation, arbitration, and other pre-trial settlement forms has become a significant focus of legal reforms (Serdaly 2023).

A primary factor driving the growth of conciliation procedures is the increasing need to streamline civil proceedings. Conventional lawsuits typically require substantial time and financial resources, making them less accessible to individuals and businesses. Consequently, mediation and arbitration have emerged as appealing alternatives, enabling parties to resolve disputes more quickly and cost-effectively (Esanova 2023).

Conciliation procedures in Uzbekistan and Kazakhstan's civil proceedings play a vital role in alleviating court burdens and accelerating dispute resolution. In Uzbekistan, these procedures gained

momentum with the 2018 enactment of the "On Mediation" Law. This legislation established the legal foundation for using mediation in civil and economic matters, defining it as a voluntary process aimed at reaching mutual agreements between parties without court proceedings. Mediation can be employed at all stages of the civil process, including pre-trial settlement, helping to reduce court caseloads and speed up dispute resolution (<https://lex.uz/>). The Uzbek legislative framework for mediation is relatively recent, regulating the conciliation procedure and outlining mediators' rights and obligations (Rustambekov 2020). It aims to facilitate peaceful resolution of disputes in civil, labor, and family relations. Notably, mediation in Uzbekistan is voluntary, allowing parties to withdraw at any stage. Its active use in civil and economic cases has simplified the pre-trial dispute settlement process (Derbisheva 2021). A significant aspect is the option to conclude a mediation agreement before a judicial act is adopted, thereby reducing the number of cases heard by courts.

Mediation was established in Kazakhstan in 2011 and has become widely utilized in civil cases (Baimukhametova 2023). For certain types of cases, judicial mediation has been made compulsory, significantly reducing processing times. The implementation of mediation in civil and administrative proceedings has been a crucial step towards enhancing judicial efficiency. Kazakhstani law mandates that courts offer parties the chance to resolve disputes before trial commencement, which helps mitigate conflicts and expedite proceedings (<https://adilet.zan.kz/>). Nevertheless, both Kazakhstan and Uzbekistan face challenges such as a shortage of skilled mediators and limited public understanding of conciliation procedures' advantages (Karipova 2023).

A comparative study reveals substantial differences in how conciliation procedures are applied in Uzbekistan and Kazakhstan. In Kazakhstan, judicial mediation is integrated into procedural law, allowing courts to actively encourage mediation at any stage of the proceedings. Conversely, Uzbekistan emphasizes pre-trial settlements and the growth of private mediation (Ivanova 2020). The primary challenge for both nations is the public's limited awareness of mediation's potential and benefits. Many individuals and businesses still prefer litigation, unaware that mediation can offer a quicker and more cost-effective dispute resolution method

(Potapova 2020). While Kazakhstan conducts information campaigns and educational programs, their impact remains restricted.

Mediation, and other conciliation procedures, are significantly promoted through legislative reforms. A number of regulations are introduced in Kazakhstan with a view to enhancing pre-trial pre-trial resolution and the incorporation of mediation into judicial practice (Kalshabayeva 2024). For example, the Civil Procedure Code of Kazakhstan now stipulates on mediation agreements as well as the legal status of them. Reforms in mediating processes and the provision of access to justice are also

on the go in Uzbekistan. In particular, provisions of mediation have been included into the economic and civil procedural codes allowing mediation in force of judicial decisions even during their enforcement.

Therefore, a comparative table is recommended to more deeply understand the legal mechanisms and characteristics of conciliation procedures in Kazakhstan and Uzbekistan. This is a clear and structured format for a highlighting of similarities and differences in legal regulation, in both countries. To reach this, analysis of Kazakhstan and Uzbekistan legal foundations of civil proceedings conciliation procedures was conducted (Table 1).

**Table 1** – Comparative table on the legal framework of conciliation procedure in civil proceedings in Kazakhstan and Uzbekistan

Aspect	Kazakhstan	Uzbekistan	Commonalities/Distinctions
Fundamental Legislation	The Law «On Mediation» (2011) [14], the Code of Civil Procedure [18]	The Law «On Mediation» (2018) [22], the Code of Civil Procedure [19]	<i>Commonalities:</i> Both nations use laws to govern mediation as a primary mechanism
Reconciliation Contract	Can be established at any point during civil proceedings, including enforcement of court rulings	Likewise, can be formed at any stage of the process, including enforcement	<i>Commonalities:</i> The stipulations for reconciliation contracts are equal
Mediation Process	A voluntary procedure conducted by a certified mediator. The government oversees mediator registration	Similarly, a voluntary process with mandatory mediator registration	<i>Commonalities:</i> The core principles and mediator regulation are alike
Implementation Phases	Applicable pre-trial, during trial, and during decision enforcement	Similarly, mediation is feasible at all these phases	<i>Commonalities:</i> The implementation phases are identical
Judicial Role in Reconciliation	Judges must suggest settlement agreements or mediation to parties	Similarly, judges should propose settlement agreements	<i>Commonalities:</i> Courts actively encourage reconciliation
Customary Mechanisms	Not formally recognized, but community elders are utilized in some regions	Mahals (local councils) and aksakals, traditionally promoting reconciliation, are officially included	<i>Distinctions:</i> Uzbekistan formally acknowledges traditional methods
Mediator Registration	Registry maintained by the Justice Ministry	Similarly, the Justice Ministry keeps a registry of professional mediators	<i>Commonalities:</i> Registration is mandatory in both countries
Mediator Compensation	Typically the expense to be shared between parties, with the possibility of Government assistance	Equally so, unless one party is excused from payment.	<i>Commonalities:</i> Same as with regulation, compensation is regulated similarly
Agreement Enforcement	Settlement agreements are court approved and is legally enforceable	Agreements are also court approved and enforceable	<i>Commonalities:</i> It's the same procedure.
Government Backing	Mediation support through government initiatives, including free mediation for low-income individuals	Similarly, government support through legal reforms and modernization programs	<i>Commonalities:</i> Both states promote mediation development

Common to both Kazakhstan and Uzbekistan is their legal and cultural uniqueness, reflected by the different legal structures of conciliated procedures of both countries. In both countries (Kazakhstan, 2011; Uzbekistan, 2018) mediation laws have been adopted aiming to promote alternative dispute resolution methods. These laws facilitate the formation of amicable agreements in whatsoever manner and in all civil proceedings including during the enforcement of the court decree. Due to process transparency in state registries that serve as lists of mediators, courts in both nations are obliged to offer reconciliation to parties. Basis for mediation is provided in both countries by state support, such as aid to the poor.

However, there are differences in the specifics of regulation and the extent to which traditional reconciliation techniques are institutionalized. This is very much a piecemeal formalisation of traditional mechanisms such as *mahallas* and *aksakals* in Uzbekistan, and informal in Kazakhstan. Mediation is also made easier in Uzbekistan, where the mediation is also stricter and there are strict regulations on the mediation process and guidelines for mediator compensation. But Uzbek legislation also goes further than Kazakhstan to incorporate mediation into arbitration processes that, by contrast, are less mediated. The disparity in mediation implementation is evident: In Kazakhstan, mediation was adopted earlier and has become more spread, while in Uzbekistan this institution is in active development.

However, further refinement of the regulatory framework is necessary to ensure more effective application of conciliation procedures. Despite considerable progress in developing conciliation procedures in both countries, certain obstacles hinder their widespread adoption. Primarily, there is a low level of public awareness regarding the advantages of mediation. Many citizens and businesses still prefer traditional litigation, unaware that mediation can offer a more efficient and cost-effective approach to conflict resolution (Sultonova 2024).

Furthermore, both Uzbekistan and Kazakhstan face a significant challenge in the shortage of qualified mediators. Although mediation centers have been established and training programs implemented in these nations, the number of mediators remains inadequate to meet the increasing demand for conciliation services (Nabiyeva 2022).

An additional crucial issue is the absence of a well-defined regulatory framework for mediation and other alternative dispute resolution (ADR) methods. For instance, Kazakhstan's legislation

has gaps regarding the enforceability of mediation agreements, which undermines parties' trust in this process (Kurmanova 2017). Uzbekistan encounters similar challenges due to the lack of quality control mechanisms for mediation services, potentially leading to misuse and diminished faith in conciliation procedures (Rustambekov 2020).

Notwithstanding these obstacles, conciliation procedures offer several notable benefits compared to traditional litigation. A primary advantage is the conservation of time and financial resources. While lawsuits may extend over years, mediation can resolve disputes within weeks or even days. This is particularly crucial for businesses, where protracted conflict resolution can result in monetary losses and damaged business relationships (Baimukhametova 2023).

Confidentiality is another key benefit of the mediation process. Court proceedings often become public knowledge, potentially harming participants' reputations, especially in corporate disputes. Conversely, mediation enables parties to resolve conflicts privately, safeguarding their confidentiality and reputation (Murodov 2023). Moreover, mediation can help maintain and even enhance relationships between parties.

Despite efforts to implement conciliation procedures, both countries encounter various challenges. A major hurdle is the low awareness among citizens and legal entities about the potential of mediation in dispute resolution. Research indicates that many civil litigation participants prefer traditional court proceedings due to insufficient knowledge about mediation's advantages (Xayrulina 2024).

Kazakhstan also faces a scarcity of qualified mediators, particularly in rural areas. This limits citizens' access to effective dispute resolution methods and reduces confidence in the procedure. Despite the existence of training programs and initiatives aimed at educating mediators, their numbers remain insufficient (Kurmanova 2017). In Uzbekistan, besides the shortage of qualified mediators, there are also legislative gaps concerning the enforcement of mediation agreements. While the law allows for mediation agreements, their execution often requires additional judicial intervention, negating mediation's primary benefits of speed and flexibility.

The implementation of conciliation procedures in Uzbekistan and Kazakhstan has demonstrated significant improvements in judicial accessibility and increased satisfaction among disputing parties. In Uzbekistan, research indicates that following the

enactment of the “On Mediation” law, cases resolved through mediation rose by over 30% in the initial two years (Rustambekov 2020). This trend suggests a growing popularity of mediation among individuals and businesses.

Similar positive outcomes are evident in Kazakhstan. The Ministry of Justice reports an annual increase of 15-20% in cases settled through judicial mediation (Baimukhametova 2023). This growth implies increased awareness of citizens and companies of the advantages of alternative dispute resolution (ADR) methods. However, they still need improvement, mainly in the area of professional programs for training of judges and mediators as well as on public awareness of the mediation and other conciliation procedures (Ignatyuk 2024).

However, with the hands on practical experience the other nations have had with conciliation procedures, Uzbekistan and Kazakhstan would be wise to continue to advance conciliation procedures. For example, the German and the Italian countries long established a mediation practice within their legal framework both for civil and commercial disputes (Renato 2017). Mandatory mediation for a range of case categories in Singapore has substantially reduced the judicial system’s workload (Ignatyuk 2024).

Eastern European countries that are gaining traction with mediation are Poland and Belarus. Research finds that mediation not only speeds up the resolution of disputes, but also lowers the levels of conflict between mediators and the parties (Zdrok 2012). It shows the contention of mediation as an effective device to advance social harmony in nations having a place with preeminent legitimate establishments.

Other historical precedents are also useful. Several examples of deep rooted conciliation practices are in the tradition of Kazakhstan’s “court of biys” in the 17th-18th centuries. Biys served as intermediaries, comparable to modern day mediators and resolved conflicts and maintained good relations between parties. In this context, as well as with the examples of Abai Kunanbayev and Chokan Valikh-anov, the peaceful resolution of the disputes and equitable justice were regarded as of great prominence (Zabikh 2024).

However, Uzbekistan and Kazakhstan are looking to take up successful international practices, for example, through the introduction of mandatory initial mediation sessions for named case types. The application of this approach could represent a turning point in further refining their ADR systems and

in building more public confidence in emerging dispute resolution methods.

There are several key areas that should be given attention in order to improve effectiveness of conciliation processes in Uzbekistan and Kazakhstan. The quality of the mediation services is dependent on the expert skills of the mediators and the judges. There is also a need for the co-ordination and development of a broad, co-ordinated regulatory framework for Alternative Dispute Resolution (ADR) aimed at introducing and placing established rules in place with respect to such matters as the requisite of enforcement of consequent mediation agreement as well as participants’ rights.

Education of the public on the advantage of mediation and other conciliation methods is very vital. To achieve that, there are multiple channels to do so through traditional media outlets and digital platforms to reach a big audience and foster trust in alternative dispute resolution techniques.

The development of conciliation procedures in Uzbekistan and Kazakhstan is conditioned by increasing public knowledge of the advantages of mediation via information campaigns and educational projects. A vital (Mikhailova 2022), but prerequisite, is expanding the pool of skilled mediators and improving the infrastructure used for mediation sessions (e.g. increasing the number of mediation rooms in rural regions).

Another critical step is in refining legislation – particularly on what to do when the parties have mediated, and how to protect parties’ rights. In Uzbekistan, new legal norms adopted to encourage courts to make wider use of mediation in civil and economic disputes currently under way (Bekturganov 2024). Additionally, the use of digital technologies (like electronic mediation) helps to speed up and simplify the dispute resolution process and introduces a greater mass of the public to it (Ataniyazov 2023).

## Conclusion

There has been a demonstrated success for conciliation procedures such as mediation and arbitration in improving the quality of justice and streamlining justice sector in Uzbekistan and Kazakhstan. It is not only that these methods have decreased case processing time, but that they have also decreased the amount of conflict between disputants (particularly because such conflict threatens to undermine business and social relationships). Kazakhstan and

Uzbekistan experience show how mediation in civil proceedings can be a very strong instrument to achieve more equitable and more accessible justice (Mikhailova 2022).

Although progress has been made, some barriers remain to the further development of conciliation procedures. A key issue is that there is little public awareness about the merits of other alternative dispute resolution methods, and in particular, mediation. However, court proceedings remain the main, and, sadly, effectively, the sole means of protecting citizens' and businesspeople's rights, which results in overburdened courts and a huge swing in the pace of court proceedings (Tlepova 2021).

For this, there has to be loads of public awareness campaigns and education intended for mentioning people concerning the gains offered through reconciliation processes. To increase public trust in mediation and widen its use, these efforts should go beyond large metropolitan centers and reach the most economically and geographically distant areas where obtaining legal service is often difficult.

Although there is a shortage of skilled mediators, there is no availability of uniform standards of training in the field. To help advance this field, it is essential to both grow the number of professionals in the field and make sure they are properly taught. To do this, there can be accredited mediators training programs established and there must be a basis for the regular professional development of mediators. Collaboration with international organizations with experience of training mediators is advised in Kazakhstan and Uzbekistan, and this is the case as effective teaching methodologies are available.

The most important issue is to improve the legal framework for enforcing mediation agreements. A big reason why parties will sometimes be reluctant to use mediation is lack of hard enforcement measures for agreements reached. However, in order to

make these procedures more effective, legislative amendments are needed so that mediation agreements are the same in legal sense than court orders. This will mean that parties will feel more comfortable mediating for fear of being left high and dry if other party fails to do their part.

Moreover, Germany and Singapore practices show that requiring mediation for some case type would dramatically reduce court backlog as well as improve judicial quality. Bringing similar practices to Uzbekistan and Kazakhstan would make it possible to resolve disputes faster and minimise the financial burdens imposed on the disputing parties. For illustration, Kazakh judicial pre-trial mediation of certain disputes in force is quite paying off by means of reduction of processing times of cases, with a related decrease in the court workloads.

As important as this integration of digital technologies in mediation is the integration of digital technologies within mediation itself. Online mediation can act as a good vehicle to help those in remote areas gain better access to the reconciliation procedures. This will reduce time and costs related to the performance of procedures as well as provide broader accessibility to this service for all citizen groups (Javadov 2020).

The article concludes that both mediation and other types of reconciliation procedures have great potential for modernization of the legal systems of Uzbekistan and Kazakhstan. While such realization requires a holistic approach, one that includes legislative white papers as well as public education, development of mediation infrastructure, and training of qualified professionals. Such approach can help instill a justic system that is more flexible and convenient for the public, reducing court congestion, promoting public confidence on the legal system, improving business environment and reinforcing social cohesion.

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