

# Digitalizing Kazakhstan's Courts: Keeping Up with the Times

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The global digitalization trend has embraced all spheres of life, including the justice system, and Kazakhstan is no exception.

Back at the Sixth Judiciary Convention in 2013, the first president of Kazakhstan, Elbasy Nursultan Nazarbayev, ordered the broad introduction of new information technologies in courts. This was reflected in many strategic documents, including the 100 Concrete Steps National Plan and the state's Digital Kazakhstan program.

The experience of using new technologies in the Republic's courts earned positive reviews both within the country and abroad. Thanks to the digitalization of its courts, Doing Business ranked Kazakhstan 4th among 190 countries for contract enforcement and 2nd for judicial quality.

This result has been achieved through the systematic development of a number of information systems and services over the past five years. These include the Törelík system, the Internet portal of the judicial authorities, the Court Office service, electronic mailing systems and others. These have simplified the justice system significantly, making it mobile, transparent and easy to understand. Electronic justice saves citizens both money and time. Each of these steps deserves individual mention.

**The unified platform of the judicial authorities (sud.gov.kz)** was established in 2014. This site makes it possible to view information about the activities of the Supreme Court and all of the country's 390 courts. The site currently receives 25,000 views daily from more than 5,000 unique users.

In addition to its informational character, the content of this Internet resource also has practical applications. Any visitor can use such online services as Court Office, Court Summons, Reviewing Court Documents, Viewing Court Summons Documents, and justice-related FAQs.

**The Audio/Video Recording (AVR)** of court proceedings or electronic transcripts have now completely replaced paper records. Currently, 92,5% of all court cases are recorded using AVR. The service prompts not only the parties, but also the judges themselves to exercise greater discipline. The introduction of AVR has significantly reduced the number of appeals against judges' rulings.

**Törelík (Arbitration)** – the unified information system of the judiciary. This system makes possible the quick receipt of high-quality judicial information about judicial acts and the resolutions of complaints and requests submitted to the court. The service solved an extremely important problem: participants in the process can now constantly monitor whether registration, the acceptance of motions and the granting of deadline extensions for the consideration of cases are proceeding in a timely manner. The system identifies all deadline violations, making court employees more disciplined and eliminating the red tape connected with the use of paper documents. The Törelík system can generate statistical and analytical reports and simplifies paperwork and judicial procedure.

A special module of the Törelík system helps judges prepare judicial acts by “highlighting” all legislative discrepancies. As part of the project, the courts receive materials concerning misdemeanors and sanctions issued by the criminal authorities in electronic form only. This greatly expedites the handling of criminal cases and provides a unified record of criminal offenses and their perpetrators, as well as the decisions made regarding those cases during pre-trial investigations.

**Electronic writ proceedings in civil cases.** This project is noteworthy for having introduced simplified (written) proceedings in electronic format in 2018.

**Automatic Case Assignment (ARD).** This new system has greatly automated a very important service for judges. When assigning a judge to a case, it now takes into account each judge's specialization, workload, reas-

signment to another court, functioning as an investigative judge in criminal cases or on-duty judge in administrative cases, scheduled vacation time and work-related travel, and sick-leave. This updated ARD eliminates the subjective factor in case assignments, thereby reducing the opportunity for corrupt practices.

**Court Office** (SK) has been in operation since 2014. This unified electronic “window” that provides access to all court services, has changed the way citizens interact with the courts. Users using any type of gadget can submit more than 100 types of electronic communications to the court without leaving their homes. The SK makes it possible for users to see when their communication was registered as well as its movement (status) within the court system, and to receive a judicial act and an AVF of the proceedings. It greatly reduces the cost of paperwork and postal services, and is fast and secure.

The more than 300,000 people who now use the service have sent approximately 7 million communications to the courts. Whereas 3% of such communications were submitted to the courts through the e-government portal in 2013, approximately 75% were sent using Court Office in the first half of 2020.

The **Mobile Court Office** enables people to participate remotely in a court session, even when they are abroad. To do so, they need only connect to the service via a tablet or smartphone and receive ID confirmation from the court. During the first eight months of 2020, more than 300,000 such remote court proceedings have been held.

The service has been updated to enable users working from a gadget to use a QR code to authorize their log in and sign documents.

Every person in the country who uses this system will receive **SMS notifications** (through e-mail and the Court Office) indicating the date and location of their particular court proceedings. More than 3.5 million such notifications have been sent during the first eight months of this year. This gives people more time to prepare for the court process.

The **Situation Center** (SC) began operations in the Supreme Court in 2017. This is a centralized system for monitoring court activity. It serves as a clearinghouse of all information on judicial proceedings in the Republic, making it possible to quickly identify and correct any operational errors in the courts. The SK monitors the courts’ activities according to 750 main indicators, including court proceedings, clerical correspondence, information security and AVF use.

A service for **Reviewing court documents using a QR code** has been developed and will be implemented soon. It will allow users to review and download documents by submitting a QR code.

The **Court Map** function allows users to locate court contacts, lawyers, mediators and notary publics in specific regions.

**Digital Agent** is a mobile application that allows users to rate the convenience, service, court procedures and work of court staff, leave complaints and suggestions, and contact court administrators online to obtain a quick resolution to any issues that arise.

Smart Court Bot is an application for the Telegram instant messaging service. It enables users to find the Telegram bots of every court, submit a question to a technical support operator and obtain other court services.

**Obtaining Apostille for Official Court Documents.** This state service is provided through the e-government portal ([www.egov.kz](http://www.egov.kz)).

**Smart Cell** is one of the pilot projects of the Seven Stones of Justice program announced by Supreme Court Chairman Z. Asanov in 2018 towards the goal of modernizing the judicial system and improving the administration of justice. The project aims to ensure that the court's IT services are satisfactory by accomplishing the following tasks:

- ensuring unfettered and convenient access to the administration of justice;

- automating court proceedings and making them cost-effective;

- beginning working with big data, using all the possibilities of judicial practice worldwide.

The **Strategy for Digitalizing the Judicial System of the Republic by 2022** that the Supreme Court adopted in 2019 streamlines this process and “breathes” even more dynamism into it.

Improved laws. The civil procedure code of the Republic of Kazakhstan has been supplemented with a chapter on the distinctive features of electronic court proceedings. An electronic format for criminal proceedings has been introduced, as have a number of innovations in remote participation in civil proceedings and the use of gadgets and other technical means.

In Kazakhstan, IT services streamline court proceedings significantly. More than 90% of civil claims are filed electronically. The quality of criminal proceedings improves by integrating the information systems of courts (Törelík) with those of law enforcement bodies (The Unified Register of Pre-trial Investigations). The criminal prosecution authorities send courts materials on misdemeanors and sanctions in electronic form. This greatly expedites their review and makes it possible to maintain a unified record

of criminal offenses and their perpetrators, as well as the decisions made regarding those cases during pre-trial investigations.

**Rules-based justice** is an important factor in making Kazakhstan more attractive to investors. To achieve it, the Supreme Court and the Atameken National Chamber of Businesspeople are developing an IT program for judicial analysis and forecasting the outcome of court cases. It will help people better understand their legal situation.

Digitalizing the courts provides the following advantages to all participants in the process:

First, it makes it possible to control the entire process of civil proceedings — from the filing of a court petition to the final resolution of the case.

Second, it provides maximum transparency of judicial processes.

Third, it cuts costs.

It should be noted that the high level of digitalization of the judicial system has made it possible to transfer all courts to remote hearings promptly during the COVID-19 emergency, and in response to the CEPEJ guidelines (Strasbourg) of June 10, 2020 on the possible need to halt in-person court proceedings as a public health and safety measure. From a technical standpoint, our courts were ready for this. Online court proceedings differ from in-person sessions in the way they are conducted — that is, via a gadget. Online processes are also recorded in the electronic transcript of the proceedings.

With the support of the government, the number of mobile video conferencing servers was increased from 67 to 152. The bandwidth of communication channels and electronic storage reserves were also increased. Citizens were informed through the media and social networks that they should have sufficient Internet speed and mobile videoconferencing skills to participate in court sessions. Our courts have been able to carry out 100% of their functions in electronic format.

Up to 95% of all documents submitted to the courts now come in electronic form through the Court Office. The daily number of court proceedings held remotely has risen from 150 per day before the current crisis to 4,500 now, a 30-fold increase. As many as 99.5% of all judicial processes now take place online, and the parties themselves speak out about their online participation in the processes.

Plans call for equipping civil and criminal courtrooms with electronic equipment as well. The digitalization of the administration of justice continues.