

OVERVIEW OF CHANGES IN PROCEDURAL LEGISLATION

IMPORTANT!

On 17 December 2025, Kazakhstan adopted the Law No. 241-VIII¹, which introduced amendments into the Administrative Procedure Code and Civil Procedure Code of Kazakhstan. The amendments affect the procedure for challenging subordinate regulatory legal acts, cassation reconsideration mechanisms, procedural terms, forms of hearings, rules of suspending execution of administrative acts, requirements to their content, rights of participants of administrative procedures, and measures of procedural compulsion.

■ **Transfer of Disputes Involving Challenging of Subordinate Regulatory Legal Acts to Administrative Proceedings**

As part of ongoing administrative reform of legislation, public law categories of cases previously considered in the course of special action proceedings under the Civil Procedure Code were transferred to the sphere of regulation of the Administrative Procedure Code. As a result, cases involving challenging of regulatory legal acts must be considered under the procedure for administrative legal proceedings. This novelty is intended to gather public law disputes in the system of administrative proceedings and contributes to reduction of load on the Constitutional Court. An independent type of administrative claims challenging legality of a subordinate regulatory legal act (its provisions) was introduced within the Administrative Procedure Code (Article 135-1 of the Administrative Procedure Code). The term for filing claims is 3 months of a date when a person became aware of a violation and/or potential violation of his/her rights, freedoms and legitimate interests guaranteed by the Constitution and laws of Kazakhstan by such act (Article 136.3-1 of the Administrative Procedure Code).

In case of satisfying claims, the relevant act is recognized as inoperative in full or in its certain part from the moment of adoption (Article 159-1.1 of the Administrative Procedure Code). Filing of a claim does not suspend a regulatory legal act, except for the cases where a prosecutor applies to court for recognition of a protested subordinate regulatory legal act (its provisions) as illegal before consideration by court (Article 167-1.4 of the Administrative Procedure Code). Legality of a subordinate regulatory legal act may be challenged by other persons only to the extent not previously verified in court (Article 167-3.3 of the Administrative Procedure Court).

■ **Exceptional Cassation Reconsideration**

The amendments significantly expanded the cassation control instruments and introduced a mechanism allowing to reconsider judicial acts, which have already entered into legal force, without undergoing the appellate stage.

The cassation reconsideration was previously possible only after filing an appeal and considering a case in the appellate instance.

According to the amendments, if failing to comply with the appellate procedure for appeals against judicial acts, it is allowed to reconsider them upon a protest of the Prosecutor General of Kazakhstan and based on an application from the process participants subject to presence of certain grounds

¹ Law No. 241-VIII of the Republic of Kazakhstan "On Introduction of Amendments into Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Administrative Jurisdiction, Rule-Making and Organization of Legal Assistance" dated 17 December 2025.

(Article 169.3-1 of the Administrative Procedure Code). This mechanism applies to the cases specified in Article 31 of the Administrative Procedure Code.

The grounds for reconsideration are of a public nature and relate to:

- severe irreversible consequences for life and health of people, economy, and national security;
- protection of rights of an indefinite range of persons or other public interests; and
- necessity to ensure uniform judicial practice (Article 169.7 of the Administrative Procedure Code).

■ **Terms for Appeals in Cassation**

The amendments reconsidered the moment the 6-month term for filing cassation appeals starts running. From now on, it must be calculated from the date a judicial act of the appellate instance enters into legal force, i.e. from the date it is declared (Articles 169.2 and 168.10 of the Administrative Procedure Code). Previously, this term started running from the moment of serving a judicial act in its final form.

■ **Suspension of Execution of an Administrative Act**

The law-maker clarified the rules of suspending the execution of an administrative act. The law-maker preserved the general provision that filing of an appeal suspends the execution (Article 96.1 of the Administrative Procedure Code).

At the same time, the amendments strengthen requirements to application of exceptions from this rule. If an authority decides not to apply suspension in order to protect the rights of citizens, state or other public interests, such decision must be specifically and reasonably reflected in the text of an administrative act (Article 96.2 of the Administrative Procedure Code). Absence of substantiation may result in recognition of the act as illegal.

■ **If Persons Who Did Not Participate in Administrative Procedure Apply to Court**

The law-maker changed the approach to the terms for filing judicial appeals by persons who did not participate in an administrative procedure, but whose legitimate rights, freedoms and legitimate interests are affected by an administrative act. One-year preclusive term was excluded. From now on, such persons may apply to court within 1 month of the moment they became or should have become aware of adoption of the administrative act (Article 136.5 of the Administrative Procedure Code).

■ **Procedure for Imposing Money Sanctions**

The Law significantly changed the procedure for appealing against and executing a money sanction as a measure of procedural compulsion.

An appeal did not previously suspend execution, and a specific appeal was allowed only after actual payment of the amount of sanction. From now on, there is a different approach: a specific appeal may be filed within 10 business days of the date of serving a court ruling (Article 124.2 of the Administrative Procedure Code), and filing of an appeal automatically suspends execution of a sanction until the appeal is considered on the merits. No preliminary payment is required now.

Opportunities of a person who has been imposed with a sanction also changed. Previously, it was possible to apply for exemption from or reduction of payment. No full exemption is possible now; however, it is possible to apply for reduction of the amount of sanction, extension of term or payment by installments within 10 business days (Article 127.7 of the Administrative Procedure Code). The court may provide for extension of term/payment by installments for up to 2 months.

■ Requirements to the Content of an Administrative Act and Procedural Guarantees of Participants

The amendments strengthen the standards of executing administrative acts and, at the same time, expand the instruments allowing to protect the rights of participants of an administrative procedure.

First, now an administrative authority must specify the precise procedure for filing appeals in the text of an act, as well as the name of a superior authority, which will consider the appeal (Article 80.5 of the Administrative Procedure Code). No such requirement was in effect before. If there is no such information, the term for appeals is automatically extended for up to 6 month (Article 92.1-1 of the Administrative Procedure Code). Thus, the law-maker shifts the risk of uncertainty on the authority violating the rules of executing acts.

Second, the amendments significantly expanded the right of participants to access the case materials. It was previously possible to review the materials only after the administrative case is closed. From now on, access is granted in the course of consideration (Article 75.1 of the Administrative Procedure Code). In case of receiving an application, the authority must ensure the possibility to review the documents, make copies and prepare excerpts within 3 business days.

Third, now the forms of hearing to a participant are clearly distinguished. The administrative procedure participant may file or express an objection against a preliminary resolution in an administrative case not later than 2 business days of the date of receiving it. In this case, no minutes are kept. Oral form is organized only upon a participant's application, which must be submitted not later than 2 business days of the date of receiving a preliminary resolution, and must be accompanied by the minutes (Article 73.3 of the Administrative Procedure Code).

Should you have any additional questions in connection with this Legal Update, we would be happy to provide more detailed information.

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