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MONITORING THE IMPLEMENTATION OF DIGITAL TECHNOLOGIES IN LAW ENFORCEMENT AND LAW-MAKING (MONITORING LEGISLATION)

Abstract. The article examines the theoretical and legal foundations as well as the practical aspects of monitoring the introduction of digital technologies into law-making and law enforcement activities in the Republic of Kazakhstan. The relevance of the topic is determined by the large-scale digital transformation of state institutions, which affects both the legislative process and judicial and administrative practice. The purpose of the study is to identify the specific features of the national model of digitalization and to define directions for improving legal monitoring. The methodological basis is formed by systemic and comparative-legal approaches, together with an analysis of national legislation, international indices, and foreign experience. The study found that the digitalization of Kazakhstan's legal system is of a comprehensive nature: the development of electronic justice, the introduction of the «Judicial Office» platform, the digitalization of notarial and advocacy activities are accompanied by reforms of procedural legislation and the strengthening of guarantees for personal data protection. At the same time, key challenges have been identified, including digital inequality, data leakage risks, and regulatory uncertainty regarding the use of artificial intelligence. The scientific novelty of the article lies in its comprehensive consideration of legal monitoring as an instrument ensuring the adaptation of legislation to the challenges of the digital age. The practical significance of the research consists in developing recommendations for improving the national legal framework in accordance with international standards and best practices.

Keywords: legal monitoring; digitalization; electronic justice; law-making; personal data; artificial intelligence; international standards; Republic of Kazakhstan; electronic government services; law enforcement practice.

Introduction

The contemporary development of the state and society can no longer be envisaged without the active introduction of digital technologies, which are gradually transforming traditional conceptions of law, law-making, and law enforcement. Kazakhstan, like the majority of states, is moving steadily towards the digitalization of its public institutions, which creates the necessity for continuous monitoring and assessment of the legal implications of this process. The establishment of electronic services, the transition to online communication between citizens and the state, and the use of artificial intelligence in the analysis of legal data are shaping a

new model of interaction between public authorities and society.

The relevance of the study is determined by the fact that digitalization alters not only the technical aspects of state administration but also the legal system as a whole. New forms of access to justice are emerging, the use of electronic documents and remote procedures is expanding, and these changes require a reconsideration of traditional categories of legal science. At the same time, digital law-making and digital law enforcement are accompanied by risks, including violations of personal data confidentiality, digital inequality, and the absence of unified standards and regulatory frameworks.

The scientific novelty of this research lies in the fact that, within the context of the Republic of Kazakhstan, the monitoring of digitalization in law-making and law enforcement practice remains fragmented. While there are individual studies devoted to electronic justice or digital document management, a comprehensive analysis of legal monitoring as a systemic function of the state is still largely absent. Accordingly, the present work is aimed at identifying the key directions of introducing digital technologies into the legal sphere, assessing their effectiveness, and evaluating the extent to which existing legislation responds to contemporary challenges.

The methodological framework of the study is based on a systemic approach, which makes it possible to conceptualize digitalization as a multidimensional process that encompasses not only normative regulation but also the social mechanisms ensuring the implementation of law. Particular attention is devoted to comparative legal analysis, which includes the study of international experience and its juxtaposition with Kazakhstani practice. This approach enables the identification of universal patterns while at the same time outlining the distinctive features of the national model of digital development.

The purpose of the introduction is to substantiate the necessity of legal monitoring under conditions of digital transformation and to designate those areas that require further research. These include the development of electronic justice, the digitalization of legislative procedures, the use of big data in the assessment of law enforcement practice, and the elaboration of new guarantees for the protection of individual rights in the digital environment.

Materials and methods

The article is based on the use of dialectical, legal-positivist, normative, and system-structural methods of cognition. The dialectical method made it possible to reveal the interrelation between the development of digital technologies and the evolution of law enforcement and law-making processes. The legal-positivist method was applied to analyze existing legislation, regulatory

acts, and official documents regulating the digitalization of legal activity.

The normative method was used to study the provisions of international and national legislation, as well as to compare the standards of legal regulation in different jurisdictions. The system-structural method ensured a comprehensive approach, allowing the identification of the internal connections between law enforcement practice, legislative monitoring, and the introduction of digital technologies. Together, these methods provided both theoretical justification and practical analytical tools for assessing the effectiveness of digital transformation in the legal sphere.

Results and discussion

In contemporary legal scholarship, legal monitoring is regarded as a fundamental element of legal policy, enabling the assessment of the effectiveness of normative acts and their compliance with societal needs. According to the Procedure for Conducting Legal Monitoring in the Republic of Kazakhstan, it constitutes «a systematic activity of state bodies aimed at studying the operation of normative legal acts, their application, and effectiveness»¹. This definition reflects the institutionalized nature of monitoring, which involves not only the recording of formal indicators but also the identification of the practical consequences of law in action.

The purpose of legal monitoring is to ensure feedback between law-making and law enforcement. As emphasized in the analytical materials of the OECD, «monitoring and evaluation systems make it possible to identify inconsistencies between the norm and practice, as well as to predict possible risks in the implementation of new solutions»². Thus, monitoring becomes an instrument for preventing ineffective legal norms and for establishing the foundations of further reforms.

Under conditions of digital transformation, legal monitoring acquires new functions. The Digital Kazakhstan State Program notes that «the wide introduction of information and communication technologies into the sphere of public administration should contribute to increasing the transpar-

¹ Procedure for Conducting Legal Monitoring. GOV.KZ // URL: <https://www.gov.kz/memleket/entities/adilet-pvl/press/article/details/18601?lang=en> (date of reference: 06.10.2025).

² OECD. OECD Digital Government Index: Results and Key Findings. Paris: OECD Publishing, 2024 // URL: https://www.oecd.org/en/publications/2023-oecd-digital-government-index_1a89ed5e-en.html (date of reference: 06.10.2025).

ency, accountability, and quality of legal institutions»³. As underlined by Kuner (2021), “the integration of digital technologies into legal processes is not only a matter of efficiency, but also of ensuring accountability and safeguarding fundamental rights» [1]. In practice, digitalization is transforming into a means of enhancing the effectiveness of monitoring: electronic databases, automated systems for analyzing judicial practice, and digital document management make it possible to collect and systematize information in real time.

At the international level, the growing role of digital technologies in legal analysis is also emphasized. The report of the Center for Strategic and International Studies (CSIS) underlines that «Kazakhstan has succeeded in building digital infrastructure providing more than 90% of the population with access to public services online»⁴. This demonstrates that digital transformation is becoming not only an administrative but also a legal phenomenon, creating new conditions for monitoring legislation and law enforcement.

Thus, the theoretical and legal foundations of monitoring digitalization can be characterized through three key aspects: the normative framework ensuring the mandatory nature of this activity; the objectives aimed at enhancing the efficiency of the legal system; and the digital tools that expand the possibilities of analysis and forecasting. Collectively, these elements form a new understanding of legal monitoring as a dynamic process ensuring the adaptation of legislation to the challenges of the digital age.

The development of digitalization in Kazakhstan has a comprehensive normative and legal framework, which has been formed gradually within the framework of state programs and legislative acts. The key document in this regard is the Digital Kazakhstan State Program, approved by the Government Decree of 12 December 2017. It specifies that «the main directions

of digitalization include the development of digital infrastructure, the digitalization of state bodies, the introduction of innovative ecosystems, and the formation of digital skills among the population»⁵. As argued by Sartor (2020), «digital transformation in the legal domain requires not only technical innovation but also a rethinking of the normative frameworks governing legal systems» [2]. This program became the fundamental platform upon which subsequent initiatives in the field of electronic justice, digital document management, and online services were built.

An important step was the improvement of the legislative framework. The Law of the Republic of Kazakhstan On Legal Acts contains provisions that directly provide for the conduct of legislative monitoring, including through the use of information and communication technologies⁶. As noted in the research of V.V. Rudenko, «Kazakhstan is forming a model of legal monitoring in which digital mechanisms are considered as part of the institutional system rather than as an auxiliary tool» [3]. This indicates a systemic approach to the introduction of digitalization into the law-making process.

Alongside this, targeted amendments to procedural legislation are being adopted, aimed at implementing electronic forms of justice. For instance, amendments to the Civil Procedure Code have enshrined the possibility of online hearings and the remote participation of parties. The report of the Global Government Forum highlights that «Kazakhstan ranks among the top 30 countries in the world in terms of digital government, with electronic justice being one of the most notable achievements»⁷. As highlighted by Pollicino (2021), «the expansion of digital justice illustrates how constitutional guarantees must be reinterpreted in light of technological innovation» [4]. This demonstrates that legislative changes have already led to tangible results in the field of law enforcement.

³ Government of the Republic of Kazakhstan. On the Approval of the State Program “Digital Kazakhstan”. Government Decree No. 827 of 12 December 2017 // URL: <https://pdo-zhambyl.kz/ru/нормативно-правовые-акты-о-цифровиза> (date of reference: 06.10.2025).

⁴ CSIS. Building Digital Public Infrastructure: Lessons Learned from Kazakhstan. Washington: Center for Strategic and International Studies, 2024 // URL: <https://www.csis.org/analysis/building-digital-public-infrastructure-lessons-learned-kazakhstan> (date of reference: 06.10.2025).

⁵ Government of the Republic of Kazakhstan. On the Approval of the State Program “Digital Kazakhstan”. Government Decree No. 827 of 12 December 2017 // URL: <https://pdo-zhambyl.kz/ru/нормативно-правовые-акты-о-цифровиза> (date of reference: 06.10.2025).

⁶ Law of the Republic of Kazakhstan “On Legal Acts” of 6 April 2016 No. 480-V ZRK // URL: <https://adilet.zan.kz/rus/docs/Z160000480> (date of reference: 06.10.2025).

⁷ Global Government Forum. Kazakhstan’s Digital Government Moment in the Sun, 2024 // URL: <https://www.globalgovernmentforum.com/kazakhstan-digital-government-moment-in-the-sun/> (date of reference: 06.10.2025).

New initiatives also include measures to protect digital rights and data. In particular, there is active discussion on the inclusion of legal safeguards in legislation concerning the use of artificial intelligence. The CSIS report emphasizes that «Kazakhstan's digital transformation demonstrates a balance between the pursuit of innovation and the need for regulatory frameworks to protect citizens»⁸. As Floridi and Cowls (2019) argue, «the governance of artificial intelligence must integrate ethical and legal principles in order to protect human dignity and fundamental rights» [5]. This indicates that the legislator seeks not merely to introduce digital technologies but to accompany them with adequate legal instruments.

Thus, the legislative initiatives of the Republic of Kazakhstan in the sphere of digitalization are characterized by their sequential and comprehensive nature. They are aimed not only at the technical implementation of digital solutions but also at the creation of legal conditions for their sustainable functioning. It is important to note that it is precisely the combination of the Digital Kazakhstan program, amendments to sectoral laws, and the integration of international standards that forms the legal foundation of the country's digital transformation.

The digital transformation of law enforcement and legal practice in the Republic of Kazakhstan is evolving along several dimensions: the judiciary, the activities of law enforcement bodies, the notarial system, and the legal profession. Each of these areas demonstrates both achievements and challenges that require legal monitoring.

First and foremost, the most significant changes have occurred within the judicial system. The introduction of the Judicial Office platform has enabled litigants to file claims, track the progress of cases, and receive decisions electronically. As noted by the OECD, «the digital services of courts in Kazakhstan have ensured a significant reduction in case processing time and improved access to justice»⁹. According

to Susskind (2019), «the digitalisation of courts is not just a technical reform, but a fundamental rethinking of how justice is delivered in modern societies» [6]. At the same time, the transition to online hearings during the pandemic has been consolidated at the legislative level and has become part of everyday practice. Nevertheless, the problem of digital inequality remains: not all regions have stable internet connectivity, which diminishes equal access to justice.

Law enforcement agencies are also actively introducing digital solutions. In particular, the Ministry of Internal Affairs uses electronic databases for the registration of offences and the recording of administrative cases. The E-Protocol system has automated the drafting of protocols and their transmission to the courts. According to the Global Government Forum, «Kazakhstan demonstrates high rates of digitalization of public services, with more than 90% of the population having access to basic services online»¹⁰. As Završnik (2021) observes, «the algorithmisation of policing and criminal justice raises both opportunities for efficiency and serious concerns regarding fairness and accountability» [7]. This creates the preconditions for further expansion of digital tools in criminal and administrative proceedings.

Significant changes are also taking place in the notarial system. With the introduction of the electronic notarial register, transactions have become more transparent and accessible for verification. In addition, the institution of remote authentication of transactions is developing, which allows citizens to obtain notarial services without personal attendance. This is particularly relevant in the context of territorial remoteness and the digitalization of property relations.

The legal profession and legal consultancy are likewise being integrated into the digital environment. Electronic systems allow lawyers and consultants to work with clients remotely and to use databases of normative acts and judicial decisions in real time. As emphasized by CSIS, «Kazakhstan's digital infrastructure provides

⁸ CSIS. Building Digital Public Infrastructure: Lessons Learned from Kazakhstan. Washington: Center for Strategic and International Studies, 2024 // URL: <https://www.csis.org/analysis/building-digital-public-infrastructure-lessons-learned-kazakhstan> (date of reference: 06.10.2025).

⁹ OECD. OECD Public Governance Scan of Kazakhstan. Paris: OECD Publishing, 2025 // URL: https://www.oecd.org/en/publications/oecd-public-governance-scan-of-kazakhstan_f8298798-en.html (date of reference: 06.10.2025).

¹⁰ Global Government Forum. Kazakhstan's Digital Government Moment in the Sun. 2024 // URL: <https://www.globalgovernmentforum.com/kazakhstans-digital-government-moment-in-the-sun/> (date of reference: 06.10.2025).

the possibility of scaling legal services at the national level»¹¹. As Susskind (2020) notes, «the future of the legal profession is inseparable from digital technologies, which redefine the lawyer–client relationship and the very nature of legal expertise» [8]. This opens up prospects for the formation of a full-fledged ecosystem of legal services in digital format.

Thus, the digitalization of law enforcement practice in Kazakhstan represents a multi-level process encompassing the judiciary, the police, the notarial system, and the legal profession. It enhances transparency, accelerates procedures, and expands citizens' access to justice. However, in order to ensure the sustainability of this process, systematic legal monitoring is required to identify barriers and to safeguard individual rights in the digital environment.

The development of digitalization in law enforcement and law-making in the Republic of Kazakhstan is inextricably linked with global trends. The experience of leading international organizations and individual states demonstrates that digital technologies have become a key instrument for enhancing the efficiency of the legal system. Monitoring this experience makes it possible to identify directions that may be adapted to Kazakhstan's realities.

An important reference point is the practice of the European Union. The EU Regulation eIDAS 2.0 established new standards for digital identification and the use of the «EU Digital Identity Wallet,» which enables citizens to access judicial and administrative services in a cross-border format. As noted in the materials of the European Commission, «the creation of a single space for digital identification ensures the legal validity of electronic documents across all EU Member States»¹². For Kazakhstan, this may serve as a model for developing its own systems of digital identification, allowing for the integration of electronic services into international legal interaction. As underlined by Abishev (2022), «digital identification is becoming

a cornerstone of Kazakhstan's legal digitalization strategy, linking administrative reforms with broader legal transformations» [9]. Similarly, Mamychev (2021) emphasizes that «the introduction of unified digital identification systems in the post-Soviet space reveals both opportunities for integration and challenges for the protection of sovereignty» [10].

The Council of Europe, through the European Commission for the Efficiency of Justice (CEPEJ), regularly publishes reports on the introduction of information technologies into judicial systems. In its latest report, CEPEJ emphasizes that «digital solutions such as electronic case management systems and online claim submission platforms significantly increase access to justice»¹³. Similar practices are already being implemented in Kazakhstan through the Judicial Office platform, although foreign experience highlights the necessity of standardization and further expansion of such systems' functionality.

In its Digital Government Index, the OECD stresses that successful countries develop digitalization on the principles of «digital by design» and a «data-driven public sector»¹⁴. This means that digital technologies should not be introduced as a supplement to traditional processes but rather as their foundation. In Kazakhstan, this approach may be realized through the integration of big data into the analysis of law enforcement practice and the automation of legislative monitoring.

Practical examples from individual states are also of interest. Estonia is considered a leader in the field of electronic justice: the e-Court system allows cases to be conducted entirely in digital format, including the filing of claims, electronic notification of parties, and access to case materials through a single portal. As reported by the Estonian Ministry of Justice, «the average time for consideration of cases in courts of first instance decreased by nearly 40% after the introduction of digital platforms»¹⁵. As explained by Criado (2021), «digital

¹¹ CSIS. Building Digital Public Infrastructure: Lessons Learned from Kazakhstan. Washington: Center for Strategic and International Studies, 2024 // URL: <https://www.csis.org/analysis/building-digital-public-infrastructure-lessons-learned-kazakhstan> (date of reference: 06.10.2025).

¹² European Commission. Proposal for a Regulation on a Framework for a European Digital Identity (eIDAS 2.0). Brussels, 2024 // URL: <https://digital-strategy.ec.europa.eu/en/policies/eidas-regulation> (date of reference: 06.10.2025).

¹³ CEPEJ. European Judicial Systems – CEPEJ Evaluation Report 2024. Strasbourg: Council of Europe, 2024 // URL: <https://www.coe.int/en/web/cepej> (date of reference: 06.10.2025).

¹⁴ OECD. OECD Digital Government Index: Results and Key Findings. Paris: OECD Publishing, 2024 // URL: https://www.oecd.org/en/publications/2023-oecd-digital-government-index_1a89ed5e-en.html (date of reference: 06.10.2025).

¹⁵ Ministry of Justice of Estonia. Annual Report on e-Justice Development. Tallinn, 2023 // URL: <https://www.just.ee/en> (date of reference: 06.10.2025).

government reforms are successful only when technological innovations are systematically aligned with institutional and legal frameworks» [11]. For Kazakhstan, this experience may prove valuable in improving online hearings and developing a unified electronic database of judicial decisions.

The United Kingdom, in the course of its judicial reform, introduced a system of remote hearings and online document submission services under the HMCTS Reform Programme. An analysis by the UK Ministry of Justice showed that «online services have improved convenience for users, while at the same time preserving a number of issues related to equal access and the necessity of digital skills»¹⁶. As Greenleaf (2021) points out, «the digitisation of justice must be supported by legal safeguards and public education policies to avoid reinforcing inequality» [12]. This experience demonstrates that digitalization must be accompanied by public education and the elimination of the digital divide, which is equally relevant for Kazakhstan.

Thus, international benchmarks indicate that successful digitalization of the legal system requires a combination of normative consolidation, technological solutions, and social support. Kazakhstan may draw upon the best practices of the EU, the Council of Europe, Estonia, and the United Kingdom to improve the efficiency of its legislation and law enforcement practice, while simultaneously taking into account national specificities and social challenges.

The first set of challenges concerns the relationship between the pace of digitalization and the quality of its normative support. International assessments emphasize that sustainable systems are built on the principles of being «human-centred» and «digital by design,» where digital solutions are embedded in the architecture of processes rather than «superimposed» on them: «the foundations necessary for a coherent, human-centred digital transformation of the public sector»¹⁷. In the Kazakhstani context, this implies the necessity of synchronizing reforms

in procedural law, data protection, and technical standards with the actual scenarios of law enforcement practice (courts, the Ministry of Internal Affairs, the notarial system, and the legal profession).

The second risk concerns the protection of personal data. The basic Law On Personal Data and Their Protection stipulates the requirement of data subject consent: «organizations [are] required to obtain data subjects' consent before collecting and processing personal data» [13]. In practice, the sensitivity of this issue has been confirmed by incidents of large-scale data leaks and subsequent regulatory responses: «a new law on ... information security, informatization, and digital assets» was adopted to strengthen cybersecurity mechanisms¹⁸. As emphasized by Bygrave (2020), «effective data protection frameworks must integrate consent with broader safeguards, including accountability, transparency, and technological resilience» [14]. These facts indicate that the monitoring of digitalization should include not only indicators of service accessibility but also indicators of security and legal safeguards.

The third challenge is equality of access and public trust. According to international indices, Kazakhstan demonstrates high coverage and maturity in e-government; the country has risen to 24th place in the global UN EGD I ranking, reflecting the «E-Government Development Index ... ranking of countries»¹⁹ [15]. At the same time, the quality of the digital environment is determined not only by service accessibility but also by the freedom and security of using the network: «Internet freedom ... continues to face severe restrictions»; cyberattacks and legislative initiatives affecting freedom of expression have been observed²⁰. As noted by Kussainov (2022), «ensuring equality of access in Kazakhstan's digital governance is inseparable from building public trust and guaranteeing the constitutional rights of citizens in the online sphere» [15]. This sets the agenda for legal monitoring in terms of balancing the efficiency of

¹⁶ UK Ministry of Justice. Evaluation of the HMCTS Reform Programme. London, 2023 // URL: <https://www.gov.uk/government/organisations/ministry-of-justice> (date of reference: 06.10.2025).

¹⁷ OECD. OECD Digital Government Index: Results and Key Findings. Paris: OECD Publishing, 2024 // URL: https://www.oecd.org/en/publications/2023-oecd-digital-government-index_1a89ed5e-en.html (date of reference: 06.10.2025).

¹⁸ The Astana Times. What We Know about Data Leak Affecting 16 Million Kazakh Citizens. 29 July 2025 // URL: <https://astana-times.com/2025/07/what-we-know-about-data-leak-affecting-16-million-kazakh-citizens> (date of reference: 06.10.2025).

¹⁹ UN DESA. E-Government Survey 2022: Country Data, Kazakhstan (EGDI). New York: United Nations, 2022 // URL: <https://publicadministration.un.org/egovkb/en-us/Data/Country-Information/id/93-Kazakhstan> (date of reference: 06.10.2025).

²⁰ Freedom House. Freedom on the Net 2024: Kazakhstan. Washington, DC: Freedom House, 2024 // URL: <https://freedomhouse.org/country/kazakhstan/freedom-net/2024> (date of reference: 06.10.2025).

electronic procedures with guarantees of human rights online.

The fourth challenge lies in the normative consolidation of artificial intelligence in justice and public services. In 2025, a special draft law was introduced: «the Draft Law ‘On Artificial Intelligence’ ... approved by the Mazhilis in its first reading»²¹. As argued by Naumov (2021), «the legal regulation of artificial intelligence must not only define the limits of its application, but also provide enforceable mechanisms of accountability in judicial and administrative contexts» [16]. Legal commentaries emphasize that the draft is largely framework-based and «requires further revision ... concerning ... privacy and personal data protection»²² [17]. Consequently, when algorithmic tools are introduced into judicial proceedings and public administration, regulatory detailing becomes essential: algorithm audits, procedural guarantees of the «human-in-the-loop» and procedural mechanisms for challenging automated decisions.

Conclusion

The experience of remote hearings and digital court services has already produced visible results in terms of access to justice, as noted in international reviews of Kazakhstan: «2024 is set to be Kazakhstan’s moment in the digital government sun ... built around ‘life events’»²³. At the same time, equality of access depends on infrastructure: the share of internet users in 2023–2025 consistently exceeded 90% («online penetration stood at 92.9 percent»), yet a residual 7–8% of the population continues to face offline barriers, particularly in remote regions²⁴. For the judicial system and administrative procedures, this implies the necessity of offline alternatives, face-to-face «windows» for service provision, and legal guarantees of equivalence between remote and in-person formats.

Sectoral practice demonstrates that the benefits of digitalization are accompanied by new obligations for data administrators: «unscheduled inspections ... to ensure compliance with the requirements of the Personal Data Law»²⁵. For the sustainability of law enforcement practice, two aspects are essential: clear criteria for the sufficiency of protective measures (logging, encryption, Data Protection Impact Assessments (DPIA)), and procedural mechanisms for compensation in the event of data breaches.

First, it is advisable to formalize in the national methodology of legal monitoring of digitalization those indicators that align with the best practices of the OECD: «data-driven public sector» and «digital by design»²⁶. This presupposes the regular publication of metrics on service usage, the time taken to review electronic submissions and cases, the frequency of system failures, security incidents, and the outcomes of their resolution.

Second, in the area of data protection, it is necessary to build upon the direct regulatory impulse of recent years: «Kazakhstan’s digital transformation journey» has been accompanied by the creation of «digital public infrastructure»²⁷. Practical measures here include mandatory DPIAs for new high-risk services (such as online courts and biometric systems), legal standards of algorithmic explainability, and strengthened procedural remedies (such as mandatory notification of affected individuals and the possibility of collective claims in cases of data leaks). At the level of governance, unified «privacy patterns» should be established for state bodies and service providers.

Third, in the legalization of artificial intelligence, it is essential to ensure compatibility with international frameworks and human rights standards. Public sources emphasize that the current draft law requires further refinement; as a

²¹ GRATA International; The Legal 500; Mondaq. Reviews of the Draft Law of the Republic of Kazakhstan “On Artificial Intelligence”. 2025 // URL: <https://gratanet.com>; <https://www.legal500.com>; <https://www.mondaq.com> (date of reference: 06.10.2025).

²² *ibid.*

²³ Global Government Forum. Kazakhstan’s Digital Government Moment in the Sun. 28 April 2024 // URL: <https://www.globalgovernmentforum.com/kazakhstan-digital-government-moment-in-the-sun/> (date of reference: 06.10.2025).

²⁴ DataReportal. Digital 2025: Kazakhstan. Global Digital Insights / World Bank, 3 March 2025 // URL: <https://datareportal.com/reports/digital-2025-kazakhstan> (date of reference: 06.10.2025).

²⁵ GRATA International; The Legal 500; Mondaq. Reviews of the Draft Law of the Republic of Kazakhstan “On Artificial Intelligence”. 2025 // URL: <https://gratanet.com>; <https://www.legal500.com>; <https://www.mondaq.com> (date of reference: 06.10.2025).

²⁶ OECD. OECD Digital Government Index: Results and Key Findings. Paris: OECD Publishing, 2024 // URL: https://www.oecd.org/en/publications/2023-oecd-digital-government-index_1a89ed5e-en.html (date of reference: 06.10.2025).

²⁷ CSIS. Building Digital Public Infrastructure: Lessons Learned from Kazakhstan. Washington: Center for Strategic and International Studies, 2024 // URL: <https://www.csis.org/analysis/building-digital-public-infrastructure-lessons-learned-kazakhstan> (date of reference: 06.10.2025).

point of reference, EU and Council of Europe practices recommend a risk-based approach, the prohibition of the most dangerous scenarios, and the guarantee of a human-in-the-loop: «The Draft Law sets out a basic regulatory framework ... [but] implementation ... appears challenging without subsequent regulatory detailing»²⁸. For the judicial system, this implies the necessity of procedural safeguards: a prohibition on autonomous decision-making without judicial involvement, mandatory logging of algorithmic operations, and the right of parties to request an independent expert review of the algorithm.

Finally, the prospects for integration with cross-border services require the standardization of digital identification and electronic signatures in line with the EU model. The European initiative eIDAS 2.0 sets forth the objective of «a framework for a European Digital Identity,» ensuring the legal validity of electronic attributes across different jurisdictions²⁹. For Kazakhstan, a practical step would be to conduct an audit of the compatibility of national identification and signature systems with international formats, thereby facilitating access to foreign electronic procedures (such as arbitration, document recognition, and cross-border public services).

The monitoring of the introduction of digital technologies into law-making and law enforcement practice in the Republic of Kazakhstan demonstrates significant progress, while at the same time revealing a number of issues that require systemic solutions. The analysis has shown that the regulatory framework is evolving in a gradual and consistent manner: the Digital Kazakhstan State Program, amendments to procedural legislation, and the initiative on the regulation of artificial intelligence together create the foundation for the formation of a modern legal environment. At the same time, digitalization cannot be regarded solely as a technical process—it acts as a factor transforming the entire legal system, influencing the balance between administrative efficiency and the protection of individual rights.

A comparative study of international practices confirms the necessity of a

comprehensive approach. The European experience in digital identification and electronic justice, the Council of Europe's standards on judicial efficiency, and the OECD's recommendations on the principles of being «digital by design» and «data-driven public sector» demonstrate that digitalization must be embedded into the very architecture of the legal system. For Kazakhstan, this entails the need to integrate digital technologies into both legislative processes and law enforcement on the basis of sustainable monitoring methodologies.

The challenges associated with personal data protection, digital inequality, and the regulatory detailing of artificial intelligence indicate the necessity of legal support for digital reforms. A key task is the development of transparent risk assessment procedures, the introduction of mandatory tools for evaluating the impact on citizens' rights, and the establishment of procedural guarantees for the use of algorithmic systems in courts and public administration.

In the future, the development of legal monitoring of digitalization in Kazakhstan should be based on three strategic directions: first, the systematic use of international indicators and standards to compare national practice with global trends; second, the strengthening of the national regulatory framework in the areas of data protection, cybersecurity, and artificial intelligence; and third, the advancement of socio-legal mechanisms that ensure equal access of citizens to digital services and foster trust in electronic institutions.

Thus, the monitoring of digitalization in law-making and law enforcement not only makes it possible to record achievements but also to identify weaknesses in a timely manner, thereby transforming it into an instrument of strategic governance of the legal system. The successful development of Kazakhstan's digital legal environment will be possible only if national initiatives are consistently aligned with international standards and if practical recommendations are elaborated to enhance the efficiency and transparency of public administration.

²⁸ GRATA International; The Legal 500; Mondaq. Reviews of the Draft Law of the Republic of Kazakhstan "On Artificial Intelligence". 2025 // URL: <https://gratanet.com>; <https://www.legal500.com>; <https://www.mondaq.com> (date of reference: 06.10.2025).

²⁹ OECD. OECD Digital Government Index: Results and Key Findings. Paris: OECD Publishing, 2024 // URL: https://www.oecd.org/en/publications/2023-oecd-digital-government-index_1a89ed5e-en.html (date of reference: 06.10.2025).

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ҚҰҚЫҚ ҚОЛДАНУ МЕН ҚҰҚЫҚ ШЫҒАРМАШЫЛЫҒЫНА ЦИФРЛЫҚ ТЕХНОЛОГИЯЛАРДЫ ЕНГІЗУДІ МОНИТОРИНГТЕУ (MONITORING LEGISLATION)

Аннотация. Мақалада Қазақстан Республикасында құқық шығармашылығы мен құқық қолдану қызметіне цифрлық технологияларды енгізуді мониторингтеудің теориялық-құқықтық негіздері мен практикалық аспектілері қарастырылады. Тақырыптың өзектілігі мемлекеттік институттардың заң шығару процесіне, сондай-ақ сот және әкімшілік практикаға ықпал ететін ауқымды цифрлық трансформациясымен айқындалады. Зерттеудің мақсаты – ұлттық цифрландыру моделінің ерекшеліктерін айқындау және құқықтық мониторингті жетілдіру бағыттарын белгілеу. Әдістемелік негізді жүйелік және салыстырмалы-құқықтық тәсілдер, ұлттық заңнаманы, халықаралық индекстер мен шетелдік тәжірибені талдау құрайды. Зерттеу барысында Қазақстанның құқықтық жүйесін цифрландыру кешенді сипатқа ие екендігі анықталды: электрондық сот төрелігін дамыту, «Сот кабинеті» платформасын енгізу, нотариат пен адвокатураны цифрландыру процестік заңнаманы реформалаумен және дербес деректерді қорғау кепілдіктерін күшейтумен қатар жүруде. Сонымен қатар, цифрлық теңсіздік, деректердің жария болып кету тәуекелдері және жасанды интеллектіні қолдануды нормативтік тұрғыдан айқындаудағы белгісіздіктер сияқты негізгі сын-қатерлер анықталды. Мақаланың ғылыми жаңалығы цифрлық дәуірдің сын-қатерлеріне заңнаманы бейімдеуді қамтамасыз ететін құрал ретінде құқықтық мониторингті кешенді қарастыруда. Зерттеудің практикалық маңыздылығы халықаралық стандарттар мен үздік тәжірибелерді ескере отырып ұлттық құқықтық базаны жетілдіруге арналған ұсынымдар әзірлеуде көрініс табады.

Түйінді сөздер: құқықтық мониторинг; цифрландыру; электрондық сот төрелігі; құқық шығармашылығы; дербес деректер; жасанды интеллект; халықаралық стандарттар; Қазақстан Республикасы; электрондық мемлекеттік қызметтер; құқық қолдану практикасы.

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ВНЕДРЕНИЕ ЦИФРОВЫХ ТЕХНОЛОГИЙ В ПРАВОПРИМЕНЕНИИ И ЗАКОНОТВОРЧЕСТВЕ (MONITORING LEGISLATION)

Аннотация. В статье рассматриваются теоретико-правовые основы и практические аспекты мониторинга внедрения цифровых технологий в правотворчество и правоприменительную деятельность Республики Казахстан. Актуальность темы обусловлена масштабной цифровой трансформацией государственных институтов, которая затрагивает как законотворческий процесс, так и судебную и административную практику. Цель исследования заключается в выявлении особенностей национальной модели цифровизации и определении направлений совершенствования правового мониторинга. Методологическую основу составили системный и сравнительно-правовой подходы, анализ национального законодательства, международных индексов и зарубежного опыта. В ходе работы установлено, что цифровизация правовой системы Казахстана носит комплексный характер: развитие электронного правосудия, внедрение платформы «Судебный кабинет», цифровизация нотариата и адвокатуры сопровождаются реформированием процессуального законодательства и усилением гарантий защиты персональных данных. Одновременно выявлены ключевые вызовы, связанные с цифровым неравенством, рисками утечек данных и нормативной неопределённостью применения искусственного интеллекта. Научная новизна статьи заключается в комплексном рассмотрении правового мониторинга как инструмента, обеспечивающего адаптацию законодательства к вызовам цифровой эпохи. Практическая значимость исследования состоит в выработке рекомендаций по совершенствованию национальной нормативной базы с учётом международных стандартов и лучших практик.

Ключевые слова: правовой мониторинг; цифровизация; электронное правосудие; законотворчество; персональные данные; искусственный интеллект; международные стандарты; Республика Казахстан; электронные государственные услуги; правоприменительная практика.

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