

## LEGAL ALERT

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### **Cassation Reform in Kazakhstan: Establishment of New Cassation Courts and Changes to the Role of the Supreme Court**



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#### **Key Changes**

**Creation of Independent Cassation Courts.** As of July 1, 2025, Kazakhstan has introduced a new cassation court level, consisting of three independent cassation courts based in Astana. These courts specialize in civil, criminal, and administrative cases. Actually it means that Kazakhstan will now have four court instances instead of previous three.

**Cassation Court Proceedings.** Preliminary review of cassation appeals is discontinued. Appeals will now go directly to the cassation board and be reviewed in person with the participation of the parties. The timeframe for cassation case review is set at up to 6 months. To file a cassation appeal (replacing the previous “petition for review”), litigants must apply to one of the new cassation courts, which are authorized to review finalized first-instance court rulings and appellate decisions on their merits.

**Expanded Access (Effective July 1, 2027).** Property dispute restrictions are lifted. Claims below 2,000 MCI (Monthly Calculation Index) for individuals (~\$ US 14 800 as of July 2025) and 30,000 MCI for legal entities (~\$ US 222 500) can now be appealed in cassation. Limitations on minor criminal offenses are removed—convictions for such crimes can also be challenged in cassation.

## **New Structure of Cassation Courts**

Three interregional cassation courts have been established in Astana:

- Cassation Court for Civil Cases
- Cassation Court for Criminal Cases
- Cassation Court for Administrative Cases

Judges' minimum experience requirement: 18 years of legal practice (or 8 years as a judge, including 3 years at a regional court level).

## **New Role of the Supreme Court**

The Supreme Court of Kazakhstan no longer serves as a cassation instance (previously handling second and third levels of cassation)—this function is now transferred to the new cassation courts. The primary role of the Supreme Court of Kazakhstan is to ensure uniformity in court practice, conduct analytical and methodological work, and review cases only in exceptional circumstances: Upon initiative of the Supreme Court's Chairman or protest by the Prosecutor General, in cases involving:

- a) Severe irreversible consequences for life, health, the economy, or national security;
- b) Violations of public interests or the rights of an indefinite group of persons;
- c) Inconsistencies in the interpretation or application of law by courts.

## **Administrative Proceedings**

Starting March 1, 2025, extraterritorial jurisdiction (at the plaintiff's choice) applies in administrative cases where the defendant is a government body (except for cases under exclusive jurisdiction). The "super cassation" procedure remains: prosecutors or cassation court chairs may file protests/motions in cases involving significant consequences, public interest violations, or legal inconsistency.

## **Comparison Table**

Aspect	Until reform	After reform
Cassation Instance	Handled by the Supreme Court	New independent cassation courts
Preliminary Review	Yes (petition filtering)	Abolished; direct review by board
Party Participation	Mostly absent	In person hearings with parties involved
Review Timeframe	Not fixed	Up to 6 months
Access for Minor Claims	Limited	Expanded (from 2027)
Supreme Court's Role	Substantive review	Monitoring of practice, exceptions

### Legal Framework

- Constitutional Law No. 109-VIII (July 5, 2024) – Establishment of cassation courts.
- Presidential Decree No. 748 (December 27, 2024) – Formation of the courts.
- Law No. 136-VIII (November 21, 2024) – Abolition of preliminary cassation appeal review.
- Law No. 155-VIII (January 10, 2025) – Amendments to the Administrative Code; “super cassation” in administrative cases.