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CORRUPTION AS A SOCIO-LEGAL CONSTRAINT ON ACCESS TO JUSTICE: A COMPARATIVE INTEGRITY REVIEW OF KAZAKHSTAN AND SELECTED EASTERN EUROPEAN JURISDICTIONS (2019–2025)

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ABSTRACT

Background: *In post-socialist legal systems in Kazakhstan and several Eastern European states, corruption continues to pose a systemic challenge to the rule of law and to effective access to justice. In this article, corruption is treated as a socio-legal phenomenon sustained by recurring administrative and judicial decision-making routines and societal patterns of legality, including trust in institutions. These mechanisms jointly condition how rights are enforced in practice and whether courts are perceived as credible. When judicial independence is weakened and civic-legal consciousness is low, corruption does not mechanically determine outcomes, but it increases the probability that informal influence can enter decision-making routines and erode procedural equality, predictability, and the credibility of adjudication. While some governance systems may partially offset this risk through*

effective controls in adjacent institutions, the justice sector is less amenable to compensation, as courts constitute the final enforcement and rights-protection forum. Therefore, the analysis focuses on the judiciary not as the sole locus of corruption, but as the critical channel through which corruption converts into practical constraints on access to justice via reduced predictability, weaker procedural equality, and lower credibility of adjudication. Understanding corruption through the prism of access to justice requires attention to its legal, cultural, and institutional foundations.

Methods: *The study applies a socio-legal (law-and-society) analytical review combining comparative legal analysis with mechanism-oriented socio-legal synthesis and qualitative content analysis. The evidence base consists of national legislation, international anti-corruption and rule-of-law instruments (UNCAC, OECD, GRECO), selected judicial practice, and analytical reports of Transparency International and the UNDP. A structured comparison of Kazakhstan with the Eastern European jurisdictions of Poland, Lithuania, and the Czech Republic is conducted to assess how legal culture, institutional autonomy, and civic oversight affect corruption control and access to justice.*

Results and Conclusions: *The findings reveal a direct relationship between the level of corruption, the operational legal culture, and the practical accessibility of justice. Where judicial safeguards are operational and externally verifiable, transparency becomes actionable: reasoned decisions are publicly accessible, and participation channels are usable. Under these conditions, tolerance of corruption declines and trust in courts is more likely to increase. The article introduces the Socio-Legal Integrity Framework, which integrates legal education, cultural transformation, and institutional accountability as interconnected mechanisms shaping anti-corruption legal consciousness. For Kazakhstan, the analysis underscores the need to strengthen the autonomy of anti-corruption bodies, enhance external oversight of the judiciary, expand meaningful digital transparency, and embed value-oriented legal education. In contrast, several Eastern European states demonstrate more advanced preventive approaches grounded in participatory governance and enforceable judicial ethics. The study concludes that effective anti-corruption policy requires not only formal legal reform but also a systemic reconfiguration of legal culture to ensure genuine access to justice.*

1 INTRODUCTION

Corruption represents one of the most significant threats to the modern rule-of-law state, undermining its fundamental principles, the supremacy of law, justice, and equality of citizens before the law. It distorts the system of justice, impedes the realisation of rights and freedoms, and diminishes public trust in the judiciary and law enforcement institutions. In this context, corruption must be regarded not merely as a legal offence but as a complex socio-legal phenomenon that destroys the relationship between the state and society.

In this article, corruption is analysed as a socio-legal phenomenon, meaning a pattern that is simultaneously normatively defined by legal rules and prohibitions, institutionally reproduced through routine decision-making and enforcement practices (appointments, procurement controls, investigations, adjudication, and asset-recovery follow-through), and socially sustained by expectations of legality, trust, and tolerance. Accordingly, "socio-legal" does not refer to a separate discipline but to an analytical lens that links normative design (what the law prescribes) with institutional operation (how rules are applied) and societal legitimacy (why citizens comply or circumvent).

In many countries, including the Republic of Kazakhstan and Eastern European countries, a comprehensive anti-corruption legal framework has been established; however, its effectiveness remains limited. The contradiction between formally high legislative standards and weak law enforcement indicates structural dysfunctions within the public administration system. Corruption thus becomes not an accidental deviation but a stable element of social practice, sustained by patronage and clientelist mechanisms.

The international community views the fight against corruption as a fundamental prerequisite for sustainable development and genuine access to justice. Key international frameworks including the United Nations Convention against Corruption (UNCAC),[1] the Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials,[2] and the recommendations of the Group of States against Corruption (GRECO)[3] underscore not only the need for stricter sanctions but also the critical importance of enhancing institutional transparency. As noted by Transparency International[4] and the World Justice Project,[5] the prevalence of corruption is closely linked to the overall quality of the judicial system and the level of public trust in state institutions.

For Kazakhstan and Eastern European countries, the problem is further exacerbated by shared post-socialist conditions, weak institutional capacity, legal nihilism, and judicial dependence. At the same time, variations in the level of legal culture and the civic oversight capacity determine the effectiveness of national anti-corruption strategies. Consequently, the present review adopts a socio-legal, mechanism-oriented analytic stance (law-and-society) rather than a generic "interdisciplinary" framing. The law is analysed together with

1 United Nations Convention against Corruption (UNCAC) (adopted 31 October 2003) [2007] UNTS 2349/41.

2 OECD, *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* (OECD/LEGAL/0293, OECD 2025).

3 Group of States against Corruption (GRECO), 'Fourth Evaluation Round: Prevention of Corruption in Respect of Members of Parliament, Judges and Prosecutors' (*Council of Europe*, 2025) <https://www.coe.int/en/web/greco/evaluations> accessed 10 October 2025.

4 'Corruption Perceptions Index' (*Transparency International*, 2020–2024) <https://www.transparency.org/en/cpi/2024> accessed 10 October 2025.

5 'Rule of Law Index' (*World Justice Project*, 2021–2025) <https://worldjusticeproject.org/rule-of-law-index/global/2025> accessed 10 October 2025.

its institutional operation and the social meanings that sustain compliance or tolerance, allowing doctrinal materials, monitoring evidence, and observable implementation signals to be synthesised within a single comparative protocol.

In this article, corruption is treated as a socio-legal governance risk that operates through institutional incentives and routine decision practices, rather than as a single type of offence. The paper's substantive focus is bounded: it examines how corruption becomes legally consequential for access to justice, i.e., how integrity deficits affect the predictability, usability, and perceived neutrality of remedies, with the judiciary analysed as the final rights-enforcement forum rather than the exclusive locus of corruption.

To avoid conceptual ambiguity, the following working definitions apply throughout. Maturity of legal culture denotes an operational bundle of internalisation of legality and willingness to rely on lawful procedures, civic-legal agency (readiness to complain, appeal, and report), and credibility of institutional feedback (observable, predictable institutional responses). The maturity of civil society refers to the capacity of autonomous civic actors (NGOs, media, professional communities) to sustain oversight via usable participation channels and stable feedback loops. A structural barrier to effective access to justice denotes systemic impediments that predictably prevent people from translating formal rights into effective remedies (e.g., institutional dependence, procedural opacity, fear of retaliation, and low expected effectiveness of litigation), as emphasised in classic access-to-justice scholarship.

Finally, legal education is used in a broad socio-legal sense as value-oriented legal socialisation (not only formal instruction), encompassing practical knowledge of rights and procedures, as well as integrity norms that shape the willingness to use lawful channels. Post-socialist refers to jurisdictions whose contemporary legality expectations and institutional practices are shaped by the interaction of socialist administrative legacies and transition reforms, producing hybrid governance patterns and contested enforcement credibility.

The term post-socialist is used here as a scope condition for case selection, referring to jurisdictions shaped by the interaction of socialist administrative legacies and transition reforms. It does not imply institutional uniformity. Instead, it signals a shared set of transition constraints, high discretion in administration, vertical accountability traditions, and contested legality expectations, within which integrity safeguards and civic oversight may develop unevenly across cases.

The following working definitions are used throughout the paper:

- Legal culture (operational) denotes internalisation of legality, civic-legal agency, and credible institutional feedback (complaints and reasoning lead to predictable outcomes).

- Civic-legal consciousness refers to citizens' readiness to rely on lawful procedures, reject informal payments, and use complaint and or appeal mechanisms.
- A structural barrier to effective access to justice means a system-level impediment embedded in institutional design and routine practices (opacity, dependence, fear of retaliation, cost and delay, weak enforceability) that predictably prevents people from translating formal rights into remedies.

The relevance of this research lies in the need to identify both legal-institutional determinants (rules, enforcement incentives, oversight) and socio-cultural determinants (value orientations and legal socialisation) that shape tolerance towards corruption.

In post-socialist legal systems, corruption should be understood not only as an administrative or financial offence, but also as a governance condition that can undermine the practical effectiveness of legal remedies. Where judicial independence is fragile and civic-legal capacity is limited, this does not automatically entail unfair adjudication in every case; rather, it increases the likelihood that informal influence can permeate decision-making routines and that procedural safeguards will be applied inconsistently. Some systems may partially offset integrity risks through strong controls in adjacent institutions. However, compensation is structurally limited in the justice sector, as courts function as the final enforcement and rights-protection forum: if adjudication is perceived as dependent or unpredictable, citizens rationally reduce reliance on lawful remedies even when other agencies perform comparatively better. Under these conditions, corruption constrains access to justice not only by producing occasional biased outcomes but by reshaping expectations of legality, reducing willingness to litigate, weakening procedural trust, and lowering the perceived credibility of adjudication.

Accordingly, the access-to-justice lens is used here as a bounded analytical entry point into a wider governance phenomenon. The focus is justified not by an assumption that corruption is primarily judicial, but by a mechanism claim: corruption becomes a structural barrier to effective remedies when it weakens predictability, procedural equality, and the perceived neutrality of the institution that ultimately validates and enforces rights. Other institutions may partially compensate for integrity deficits (through auditing, administrative controls, or service digitalisation), but compensation is inherently limited once disputes reach adjudication and enforcement stages, where the legitimacy of outcomes depends on impartial decision-making and publicly verifiable reasoning.

For the ordinary citizen, this transformation has tangible consequences. Low levels of legal culture and persistent legal nihilism reduce trust in courts and discourage individuals from seeking judicial protection, particularly in disputes involving public authorities. Corruption thus operates as a mechanism of indirect exclusion, whereby individuals refrain from asserting their rights because judicial outcomes are perceived as unpredictable or biased. As a result, corruption affects not only public finances but also the substantive realisation of the right to a fair hearing and the effectiveness of judicial protection.

The subject of this review is the set of socio-legal mechanisms through which corruption translates into practical constraints on access to justice (predictability of adjudication, procedural equality, enforceability and recovery follow-through, and perceived neutrality of courts). The object is not corruption "in general", but the justice-related segment of integrity governance in Kazakhstan and selected Eastern European EU jurisdictions during 2019–2025, as captured in legal design, monitoring outputs, governance indicators, and accessible judicial practice materials. The paper, therefore, does not claim to develop a universal integrity theory or a comprehensive anti-corruption toolkit; it provides a bounded comparative synthesis focused on mechanisms relevant to access to justice.

This article treats access to justice as the point where anti-corruption policy becomes socially consequential: formal rights matter only to the extent that individuals can predictably obtain remedies through lawful procedures. Corruption does not automatically produce unfair outcomes in every case. However, when integrity safeguards are weak, the probability increases that informal influence can penetrate decision-making routines and distort procedural equality through selective scheduling, opaque evidentiary handling, inconsistent sanctioning, or weakened enforcement follow-through. Although some governance systems can partially offset risks through controls in adjacent institutions, the justice sector is less amenable to compensation, as courts constitute the final forum for rights protection. If adjudication is perceived as dependent or unpredictable, citizens rationally reduce their reliance on lawful remedies, thereby converting corruption into a structural barrier to effective access to justice. The judiciary is, therefore, analysed not as the sole locus of corruption, but as the institutional channel through which corruption is most likely to translate into practical constraints on rights enforcement.

1.1. Degree of Scientific Development of the Problem

The issues concerning the nature and mechanisms of corruption have received extensive and sustained attention in global academic literature; however, the character, drivers and evolving dynamics of this phenomenon continue to provoke active scholarly debate. Within the economic approach, represented by the works of Klitgaard, corruption is interpreted as the result of an imbalance between monopoly power, discretionary authority and insufficient accountability.[6] His well-known formula *Corruption = Monopoly + Discretion – Accountability* became a conceptual reference point for a wide range of subsequent economic–legal models.[7] The ethical–legal approach, developed by Rose-Ackerman, concentrates on the moral dilemmas embedded in public service and the institutional conditions that shape an individual's choice between personal gain and the public good.[8] The scholar consistently emphasises that combating corruption is impossible without an

6 Robert Klitgaard, *Controlling Corruption* (University of California Press, 1988).
7 ibid 75.
8 Susan Rose-Ackerman and Bonnie J Palifka (edn), *Corruption and Government: Causes, Consequences, and Reform* (CUP 2016) doi:10.1017/CBO9781139962933.

ethical reorientation of public administration and the cultivation of citizens' legal consciousness. Huberts and other representatives of the institutional school, view corruption as a violation of the principles of integrity management, underlining the central importance of transparency, accountability and control mechanisms as the foundation of a sustainable legal system.[9] Instead of focusing on post-Soviet informal practices, this study relies on the work of Svensson and Collier, who examined patterns of informal governance in countries with strong institutional reform trajectories and demonstrated how improvements in legal culture and civic values could systematically reduce opportunities for corruption.[10] The cultural–legal dimension, developed by a number of scholars including Kachur et al., Bakirov et al., Mungiu-Pippidi, and Peters, links the persistence of corruption to low levels of legal culture, insufficient legal education and the continued influence of patronage-based social relations.[11] Taken together, these studies illustrate that legal consciousness and public values determine not only society's general attitude towards the law, but also the extent of social tolerance for corrupt practices.

Nonetheless, certain "white spots" persist in the scholarly discourse. The socio-cultural roots of corruption remain insufficiently explored, particularly in post-socialist societies where traditional values, patronage systems, and legal nihilism form a stable cognitive model of tolerance toward corruption. Furthermore, there remains a lack of interdisciplinary approaches integrating jurisprudence, sociology, and ethics, hindering a holistic understanding of corruption as part of a broader social system.

1.2. Scientific Novelty and Research Contribution

The present study contributes by reframing corruption through a socio-legal lens that connects legal design with cultural norms and civic-legal agency. Rather than treating corruption solely as a breach of legal rules, the review interprets it as an operational signal of how legal culture functions in practice and how credible institutional accountability appears to citizens. This integrative framing enables corruption to be analysed as a socially

9 LWJC Huberts, 'Integrity: What it is and Why it is Important' (2018) 20(1) Public Integrity 18, doi:10.1080/10999922.2018.1477404

10 Jakob Svensson, 'Eight Questions about Corruption' (2005) 19(3) Journal of Economic Perspectives 19, doi:10.1257/089533005774357860; Paul Collier, 'The Political Economy of State Failure' (2009) 25(2) *Oxford Review of Economic Policy* 219, doi:10.1093/oxrep/grp013.

11 Vira Kachur et al., 'The Role of Legal Culture in Maintaining Social Stability and Countering Separatist Movements: Case of Ukraine' (2020) 9(1) European Journal of Sustainable Development 294, doi:10.14207/ejsd.2020.v9n1p294; Darkhan Bakirov and others, 'Legal Culture and Legal Consciousness in Kazakhstan: An Analysis of the Annual Reports of the Ombudsman for Human Rights and Legal Acts' (2025) 8(3) Access to Justice in Eastern Europe 278, doi:10.33327/AJEE-18-8.3-a000105; Alina Mungiu-Pippidi, *The Quest for Good Governance: How Societies Develop Control of Corruption* (CUP 2015) doi:10.1017/CBO9781316286937; Anne Peters, *Corruption as a Violation of International Human Rights* (MPIL Research Paper Series no 2016-18, Max Planck Institute for Comparative Public Law & International Law 2016) doi:10.2139/ssrn.2805099.

embedded governance pattern shaped by the interaction of law, institutional routines, and public legal consciousness within the bounded set of jurisdictions examined.

The authors' conceptual framework is structured around the literature and evidence to present a mechanism-oriented framework that links legal culture, civic-legal consciousness, institutional accountability, and access to justice. The framework is proposed as a comparative synthesis tool rather than as a validated causal model. The model is oriented toward transforming value orientations and fostering sustainable behavioural patterns that are incompatible with corrupt practices.

Moreover, the research contribution consists of conducting a comparative analysis of Kazakhstan and Eastern European countries in the context of cultural–legal determinants of corruption. This approach enables the identification of common patterns of post-socialist transformation and the determination of specific national factors influencing the perceptions and practices of corruption.

Given that the evidence base is primarily normative and monitoring-based, this manuscript is framed as an analytical socio-legal review rather than an empirical study aimed at hypothesis testing. Accordingly, the comparative component is used to trace recurrent governance mechanisms within a purposively bounded set of post-socialist jurisdictions, without implying the existence of a single, uniform "Eastern European model". All cross-country statements are therefore presented as within-sample, case-bound inferences grounded in triangulated sources and explicitly qualified by documented institutional heterogeneity.

Throughout the paper, 'institutional practices' denotes routine decision-making and enforcement operations in public administration, prosecution, anti-corruption bodies, and courts (appointments, discipline, procurement controls, adjudication, and asset-recovery follow-through).

This article is grounded in the socio-legal tradition of sociological jurisprudence and contemporary law-and-society scholarship. Within this school, law is examined not only as a system of formal norms but as a set of socially embedded practices whose meaning is revealed through implementation routines, institutional incentives, and citizens' expectations of legality. Accordingly, the term "socio-legal" in this paper denotes an analytical perspective that connects normative design (legal rules and safeguards) with institutional operation (enforcement and judicial practice) and societal legitimacy (legal consciousness, trust, and tolerance of corruption). The review focuses on how corruption functions as a constraint on access to justice through these interacting mechanisms.

The article's contribution lies not in the construction of a universal theory of corruption, but in a mechanism-oriented socio-legal framework tested through bounded cross-case comparison. Accordingly, the theoretical claims are formulated as within-sample inferences tied to the selected jurisdictions and triangulated sources.

2 METHODOLOGY

The purpose of this analytical review is to examine corruption as a socio-legal barrier to access to justice in Kazakhstan in comparison with selected Eastern European EU jurisdictions over the period 2019–2025. The study draws on triangulated normative and monitoring evidence to identify recurrent governance mechanisms, highlight case-specific differences, and assess how these factors shape judicial credibility and the enforceability of legal rights. The review also compares integrity safeguards across jurisdictions through a commensurable analytical framework and formulates practice-oriented implications for Kazakhstan within the defined access-to-justice domain, including judicial safeguards, enforcement credibility, transparency functionality, and civic oversight.

The review is guided by several interrelated objectives. First, it seeks to clarify the nature of corruption as a socio-legal phenomenon operating across three analytical levels: institutional design and enforcement practice, socio-cultural patterns of legal compliance, and integrity norms in public service and judicial conduct. Second, it develops the corruption–access-to-justice nexus through a commensurable Integrity Matrix (D1–D6). Third, it synthesises cross-country evidence from Kazakhstan and selected Eastern European jurisdictions by triangulating legal acts, monitoring outputs, governance indices, and publicly accessible judicial practice for the period 2019–2025. Finally, it derives practice-oriented implications focused on judicial safeguards, enforcement credibility, including asset recovery, and mechanisms that reinforce civic-legal consciousness.

This manuscript is designed as an analytical socio-legal review rather than as a causal explanatory study. It does not estimate statistical effects or test formal hypotheses. Instead, it advances a guiding analytical proposition for comparative synthesis: where corruption is more widespread and social tolerance of corrupt practices is higher, legal culture tends to be weaker, civic-legal consciousness less developed, and the credibility of accountability institutions more fragile. Together, these conditions constrain effective access to justice. This proposition is examined through cross-case pattern matching and triangulation across legal texts, monitoring materials, governance indicators, and publicly accessible judicial practice within a clearly bounded set of jurisdictions.

In this context, the term empirical is used in a limited and precise sense. It refers not to primary data collection, experiments, or hypothesis testing, but to triangulated secondary evidence and observable implementation signals drawn from normative and monitoring sources.

2.1. Literature review

The problem of corruption has accompanied the development of law throughout human history. Its earliest forms were recorded in Roman law, where corrumpere meant "to spoil" or "to distort the norm". As early as that period, the bribery of officials was regarded as an

act undermining public trust in authority and in the very idea of justice. Later, within the European legal tradition, corruption came to be understood as the abuse of entrusted power, a concept that has been consolidated in contemporary international legal doctrine.[12]

Modern scholars interpret corruption as a dual phenomenon, at once a legal violation and a social pathology.[13] On the one hand, it manifests itself in concrete forms such as abuse of office, bribery, lobbying, and conflict of interest; on the other, it results from systemic distortions within the structure of social relations, in which personal benefit and patronage replace the legal principles of equality and justice. Psychological and cultural factors play a crucial role in shaping corrupt behaviour. Studies by Johnston demonstrate that in societies with a low level of institutional trust and the dominance of informal norms, corruption is often perceived as a socially acceptable survival strategy.[14] Under such conditions, corruption tolerance emerges, rooted in legal nihilism, a persistent distrust toward institutions and the conviction of their inefficacy.

Ukrainian socio-legal scholarship provides a particularly relevant reference point for post-socialist integrity debates because it conceptualises corruption not merely as episodic bribery but as a stable governance pattern sustained by institutional incentives, legal culture deficits, and weak enforcement credibility. Ye. Nevmerzhytskyi's foundational analysis of corruption in Ukraine emphasises causal chains linking discretionary authority, informal patronage, and enforcement fragility to long-term societal costs and declining trust in justice institutions.[15] Complementing this approach, O. Vasyliev highlights practical institutional vulnerabilities and the operational conditions under which preventive measures lose effectiveness when oversight remains formal rather than functional.[16] More recently, O. Panasiuk developed the socio-legal dimension by examining corruption through the lens of social and legal determinants in national and international settings, reinforcing the argument that sustainable prevention depends on value-based legal consciousness and credible integrity safeguards rather than on punitive tools alone.[17] Together, these contributions strengthen the regional analytical grounding of the present review and support its core premise that access to justice deteriorates when legal norms are not internalised and when institutions fail to deliver predictable, impartial enforcement.

12 'Corruption Perceptions Index' (n 4).

13 Huberts (n 9); Rose-Ackerman (n 8).

14 Michael Johnston, *Corruption, Contention and Reform: The Power of Deep Democratization* (CUP 2014) doi:10.1017/CBO9781139540957.

15 Yevhen V Nevmerzhytskyi, *Corruption in Ukraine: Causes, Consequences, Countermeasures* (KNT 2008).

16 OB Vasyliev, 'Current Trends of the Transformation of the Phenomenon of Corruption' (2023) 2 Bulletin of the National University of Civil Defense of Ukraine. Series: Public Administration 122, doi:10.52363/2414-5866-2023-2-13.

17 OP Panasiuk, 'Corruption and Socio-Legal Leaders in the National and International Context' (2025) 90(1) Uzhhorod National University Herald. Series: Law 117, doi:10.24144/2307-3322.2025.90.1.16.

In the publication "Current Issues of Legal Culture Formation", A. Akhmetov, V. Zhamuldinov, and O. Komarov further develop the conceptual connection between legal education, anti-corruption awareness, and civic responsibility.[18] They define legal culture as a multifaceted system combining law, morality, and public consciousness, in which education functions as a key mechanism for cultivating intolerance toward corruption and strengthening the rule of law. The authors propose a comprehensive model of legal education that promotes active citizen participation, combats legal nihilism, and builds a sustainable legal consciousness as the foundation for an independent and democratic state.[19]

Consequently, the fight against corruption requires not only the improvement of legislation but also the transformation of value systems that determine an individual's attitude toward the law, justice, and social responsibility.

The establishment of global standards in anti-corruption policy has become one of the defining vectors of international law in the Twenty-First Century. The United Nations Convention against Corruption (2003) remains the central normative instrument, articulating a comprehensive architecture of prevention, transparency, accountability, and multi-stakeholder cooperation.[20] Importantly, UNCAC shifts the emphasis from exclusively punitive responses toward the creation of robust preventive mechanisms, including ethical standards for public officials, financial and asset-control procedures, and institutionalised participation of civil society. A second cornerstone of the global framework is the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), which establishes binding obligations for states to criminalise foreign bribery and ensure corporate liability.[21] Recent OECD integrity guidance (2022) frames the private sector as a duty bearer under an integrity-and-compliance logic: firms are expected to operationalise transparency through enforceable controls, strengthen internal accountability, and implement preventive measures that deter illicit practices.[22]

Equally significant is the role of the Council of Europe's Group of States against Corruption (GRECO), which provides a structured system of peer monitoring and compliance assessment. In its evaluation rounds and annual reports, the organisation analyses the extent to which member states implement recommendations concerning judicial independence, conflict-of-interest regulation, the integrity of public administration, and the transparency

18 Arman Serikovich Akhmetov, Victor Nikolaevich Zhamuldinov and Oleg Evgenievich Komarov, 'Current Issues of Legal Culture Formation' (2018) 9(7) Journal of Advanced Research in Law and Economics 2218, doi:10.14505//jarle.v9.7(37).02.

19 Arman Serikovich Akhmetov, Victor Nikolaevich Zhamuldinov and Oleg Evgenievich Komarov, 'Legal Culture and its Role in Civil Society Formation' (2018) 9(5) Journal of Advanced Research in Law and Economics 1534, doi:10.14505//jarle.v9.5(35).03.

20 UNCAC (n 1).

21 OECD, *Convention* (n 2).

22 'OECD Public Integrity Indicators' (*OECD*, 2022) <https://oecd-public-integrity-indicators.org/?country1=PRT&country2=AVG > accessed 10 October 2025.

of political finance.[23] Comparative findings indicate differentiated progress: Kazakhstan demonstrates consistent adaptation of UNCAC and GRECO standards through digitalisation of public services and institutional oversight reforms; Poland and the Czech Republic focus on strengthening judicial review and procedural guarantees in anti-corruption investigations; Lithuania prioritises public-sector transparency and broad civil-society participation; while Hungary faces ongoing challenges related to safeguarding judicial independence, as noted in GRECO's 2023 assessments.[24]

Thus, international legal mechanisms not only establish universal standards for combating corruption but also serve as indicators of national legal systems' capacity to foster legal consciousness, in which the effectiveness of implementation largely depends on the level of legal culture and social trust.

The concept of legal culture is fundamental to understanding both the persistence of corruption and the means of overcoming it. Classic research on legal socialisation has long emphasised that a stable legal order is impossible without citizens' internal acceptance of the law and its legitimacy.[25] In contemporary scholarship, legal culture is understood as the totality of legal knowledge, values, and behavioural models that determine the attitude of individuals and society toward the law.[26] Studies by Huberts and Kachu et al. confirm that a high level of legal culture and civic identity contributes to the formation of intolerance toward corruption and strengthens the rule of law.[27] Public trust in state institutions is regarded as a key indicator of the effectiveness of anti-corruption policy: where the state operates transparently, citizens tend to cooperate rather than seek to circumvent the law. [28]

The formation of anti-corruption consciousness requires a comprehensive influence on the cognitive, motivational, and value dimensions of the individual. Legal education, the role of mass media, and the development of civil society institutions play a decisive role in this process. As shown in the research of Mungiu-Pippidi, Selçuk et al., and Peters, strengthening legal literacy and expanding citizens' participation in public oversight mechanisms significantly reduces tolerance for corrupt practices and increases sensitivity

23 GRECO, 'Fourth Evaluation Round (n 3).

24 Arman Serikovich Akhmetov, Victor Nikolaevich Zhamuldinov and Oleg Evgenievich Komarov, 'Corruption as a Social Phenomenon: Problems and Prospects for Combating Corruption' (2018) 9(5) Journal of Advanced Research in Law and Economics 1539, doi:10.14505//jarle.v9.5(35).04

25 Tom R Tyler, *Why People Obey the Law* (Princeton UP 2006) doi:10.1515/9781400828609.

26 ID Khlebnikov and others, 'The Civic Identity of Graduates (11th Grade Students) of Secondary Schools at the Current Historical Stage of Kazakhstan's Development: The Results of a Quantitative Study' (2025) 30(2) Bulletin of the Karaganda University. History, Philosophy Series 181, doi:10.31489/2025hph2/181-194; Huberts (n 9).

27 Huberts (n 9); Kachur and others (n 11).

28 Bo Rothstein, *The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective* (University of Chicago Press, 2011).

to violations of the rule of law.[29] The concept of legal consciousness serves as the theoretical core of anti-corruption culture. According to Kachur et al., the development of legal consciousness and municipal legal culture is a prerequisite for the effective protection of human rights and the consolidation of democratic governance at the local level. In this logic, legal consciousness forms an individual's internal readiness to perceive the law as a morally binding regulator of behaviour rather than merely as an external instrument of coercion.[30] Consequently, effective anti-corruption measures are possible only through a combination of legal mechanisms and the cultivation of a legal culture that promotes values of honesty, justice, and social responsibility.

Thus, corruption appears not only as a legal violation but also as a reflection of the state of societal legal consciousness. While international legal standards establish the framework for systemic control, the real effectiveness of anti-corruption policy is determined by cultural and cognitive factors, the level of public trust, civic institutionalised legal culture, and the degree of internal legitimacy of law within collective consciousness.

"Maturity of legal culture" in this review denotes an operational bundle of three observable features:

1) legal literacy and internalisation of legality (willingness to rely on lawful procedures rather than informal exchange);

2) civic-legal agency (readiness to report abuse and use complaint and or appeal mechanisms);

3) institutional feedback credibility (citizens observe that complaints, disciplinary actions, and court reasoning produce predictable outcomes).

The concept is therefore used as a mechanism-oriented proxy linking societal norms of legality to the practical accessibility of justice.

2.2. Research Design

This manuscript is designed as an analytical socio-legal review with a structured comparative protocol. The design is appropriate because the evidence base is predominantly normative and monitoring-oriented, and the purpose is mechanism identification rather than hypothesis testing. Comparative statements are therefore treated as bounded within-sample inferences tied to the selected jurisdictions and validated through triangulation across independent source types.

29 Mungiu-Pippidi (n 11); Seyhan Selçuk, Nesibe Kurt Konca and Serkan Kaya, 'AI-driven Civil Litigation: Navigating the Right to a Fair Trial' (2025) 57 Computer Law & Security Review 106136, doi:10.1016/j.clsr.2025.106136; Peters (n 11).

30 Kachur and others (n 11).

Accordingly, the term "empirical" in this paper refers to triangulated secondary evidence (monitoring outputs, indicators, and judicial practice materials), not to primary data collection or statistical hypothesis testing.

The cross-country comparison is framed as an analytical socio-legal review because descriptive narratives often imply 'regional models' without a shared analytical grid. The purpose of comparison is to identify recurrent governance mechanisms across a bounded set of post-socialist jurisdictions and to qualify them with documented heterogeneity.

Analytical tools used in the review are explicitly limited to those applied in the manuscript: doctrinal analysis of legal texts and institutional mandates; structured comparative analysis using the Integrity Matrix (D1–D6); qualitative content analysis of monitoring reports and standards (UNCAC, OECD, GRECO, EU Rule of Law Reports); and (iv) mechanism-oriented cross-case pattern matching supported by a triangulation rule (claims retained only when corroborated by at least two independent source types).

A phenomenology-informed lens is used descriptively to interpret "legal consciousness" as a meaning-based orientation toward legality observable through reliance on formal procedures and a willingness to complain or report. A synergetic view is used as a configurational heuristic: integrity outcomes are assessed as the joint effect of safeguards, enforcement, transparency, and civic oversight rather than as the product of a single factor.

The methodological stance follows sociological jurisprudence: legal norms are assessed through their institutionalised application and societal effects, rather than treated as self-sufficient textual prescriptions.

Where the literature uses terms such as "phenomenological" or "synergetic," this manuscript does not treat them as standalone methodological procedures. Instead, it incorporates their substantive intuition in a limited way: the analysis attends to lived legality and perceived institutional credibility (as meanings that shape behaviour), and examines how legal, institutional, and cultural mechanisms interact rather than operate in isolation.

2.3. Case Selection and Scope Conditions

The case set was selected purposively to balance comparability with analytically meaningful variation. Kazakhstan is treated as the focal case due to its post-socialist baseline and ongoing reform trajectory. Poland, Lithuania, the Czech Republic, and Hungary were included as post-socialist EU member states with broadly comparable administrative legacies, yet different integrity trajectories documented in monitoring cycles and governance benchmarks. This design supports mechanism-oriented comparison under comparable transition constraints while avoiding claims of a single "Eastern European model".

2.4. Data Sources and Time Window

The review focuses on 2019–2025 to align the evidence base with recent reform cycles, monitoring rounds, and updated governance benchmarks. Four source types were used: (a) domestic legislation and implementing regulations; (b) international standards and monitoring outputs (UNCAC materials, OECD instruments, GRECO evaluations, and OECD/ACN diagnostics); (c) cross-country indicators (Transparency International CPI and the World Justice Project Rule of Law Index); and (d) publicly accessible judicial practice materials where available.

2.5. Key Concepts and Operational Definitions

To avoid conceptual ambiguity, this review fixes the meaning of several recurrent terms used throughout the manuscript. Civic-legal capacity of legal culture is understood in the socio-legal sense as the stable set of shared ideas, values, and expectations about law and legal institutions that shape how legality is perceived and practised in everyday interactions. In this article, "legal-consciousness formation capacity" is treated not as an abstract normative label but as an observable configuration: (i) internalisation of legality (readiness to rely on lawful procedures rather than informal exchange), (ii) civic-legal agency (willingness to complain, appeal, and report), and (iii) credibility of institutional feedback (citizens observe that complaints and judicial reasoning produce predictable outcomes).

Legal-consciousness formation capacity of civil society denotes the degree to which autonomous civic actors (associations, NGOs, media, professional communities) are able to participate in public oversight and sustain collective action based on trust-based networks and norms of reciprocity; in this review it is operationalised through the availability and usability of participation channels, watchdog capacity, and the presence of functioning feedback loops between citizens and institutions.

Structural barriers to access to justice are systemic (not individual) impediments that predictably prevent people from translating formal rights into effective remedies, such as institutional dependence, procedural opacity, costs, fear of retaliation, and low trust that makes litigation appear futile. This usage follows classic access-to-justice scholarship and contemporary rule-of-law diagnostics, emphasising that barriers are often embedded in institutional design and routine decision practices rather than in the absence of legal rules.

Legal education is used broadly to refer to value-oriented legal socialisation (not only to formal instruction). It includes the formation of practical knowledge of rights, procedures, integrity standards, and civic responsibility, with the purpose of strengthening law-abiding motivation and intolerance toward corruption; in this sense, it is treated as a preventive integrity mechanism rather than a purely pedagogical variable.

Finally, post-socialist refers to jurisdictions whose contemporary institutional and legal development is shaped by the interaction of socialist administrative legacies and subsequent transition reforms, producing hybrid governance patterns and contested legality expectations.

2.6. Operationalization: Integrity Matrix and Observable Indicators

To translate rule-of-law requirements into commensurable comparative dimensions, the study applies an Integrity Matrix aligned with the Venice Commission Rule of Law Checklist.[31] Six dimensions are assessed: D1 autonomy and oversight of anti-corruption bodies; D2 judicial integrity safeguards; D3 enforcement consistency; D4 preventive integrity instruments; D5 digital transparency infrastructure; and D6 civic oversight capacity. Each dimension is assessed through observable indicators (e.g., appointment and removal safeguards, publication of judicial reasoning, conflict-of-interest controls, verification of asset declarations, usability of open registries and complaint channels, and the presence of feedback loops). Digital instruments (including AI-assisted analytics or tamper-evident registries) are treated here as implementation supports for D5–D6, not as independent causal drivers of integrity (Table 1).

***Table* 1. Comparative analytical framework and operational indicators**

Dimension	What is assessed	Observable indicators (examples)	Why it matters (mechanism)
D1. Autonomy & oversight of anti-corruption bodies	Independence from executive influence	Reporting line; appointment/removal safeguards; parliamentary oversight; budget autonomy	Higher autonomy reduces selective enforcement and increases credible deterrence
D2. Judicial integrity safeguards	Protection of judicial independence and integrity	Appointment/discipline rules; publication of reasoning; conflict-of-interest controls	Strong safeguards increase predictability and reduce informal pressure
D3. Enforcement consistency	Whether sanctions are predictable and proportional	Sentencing patterns; use of disqualification; appeal stability; sanction dispersion	Consistency raises expected costs of corruption and reduces "impunity expectations"

31 European Commission for Democracy through Law (Venice Commission), *The Rule of Law Checklist* (Council of Europe 2016).

Dimension	What is assessed	Observable indicators (examples)	Why it matters (mechanism)
D4. Preventive instruments	Controls that reduce opportunity structures	Asset declarations; COI regulation; procurement auditing; whistleblower protection	Prevention lowers discretion and blocks rent-extraction channels
D5. Digital transparency infrastructure	Whether transparency is operational, not symbolic	Open registries; access to decisions; usable complaint channels; feedback loops	Visibility increases detection probability and enables oversight
D6. Civic oversight capacity	Whether society can monitor and act	Public councils; NGO monitoring; investigative journalism environment	Oversight raises reputational costs and reduces tolerance

Table 1 converts the comparison from narrative description into a commensurable analytic grid. Integrity improves when institutional autonomy, enforceable safeguards, and operational transparency jointly increase the expected cost of corruption and reduce discretionary concealment.

For the Integrity Matrix synthesis, an ordinal 0–2 scale is used to distinguish (0) absence or purely declarative regulation, (1) partial or formal implementation with limited operational effect, and (2) functioning implementation supported by consistent practice, external oversight, and observable integrity outputs.

2.7. Coding Protocol and Triangulation Rule

Documents were coded using a rule-based codebook mapped to D1–D6. Statutes and regulations were used to capture formal institutional design (mandates, competencies, procedural safeguards), whereas monitoring materials and case-related sources were used to capture implementation signals (recurring deficiencies, compliance assessments, enforcement outputs, and transparency functionality). A robustness rule was applied: a comparative claim was retained only when corroborated by at least two independent source types (e.g., statutory safeguards plus monitoring findings; monitoring findings plus index trends; or judicial practice plus external assessments). Where evidence did not converge, findings were reported as indicative signals rather than definitive conclusions (Table 2).

Table 2. Triangulation map (how claims are validated)

Claim type	Minimum evidence rule	Example of acceptable triangulation
"Institution is autonomous"	Law + monitoring	Statutory safeguards + GRECO/OECD assessment
"Enforcement is consistent"	Practice + monitoring or indices	Sentencing patterns + OECD/ACN enforcement diagnostics
"Transparency is operational"	Platform features + usage signals	Open registry existence + documented accessibility/feedback

The structured comparative protocol and the case selection logic are presented in Figure 1 and Table 3, which operationalise the review workflow and the bounded cross-case design.

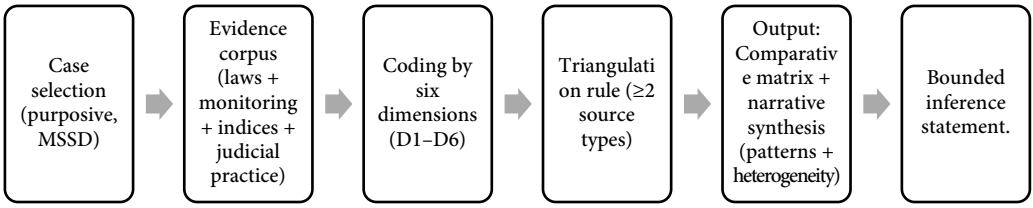

Figure 1. Analytical review workflow and structured comparative protocol

Figure 1 shows how the study moves from heterogeneous materials to commensurable cross-case results. The protocol makes the inference logic transparent and directly addresses concerns about descriptive case selection.

Table 3. Case selection logic and comparability criteria (why these countries)

Case	Shared baseline (comparability)	Expected variation (analytical leverage)	Evidence availability (why feasible)
Kazakhstan (focal)	Post-socialist governance legacy; ongoing reforms	Transition constraints; enforcement credibility gap	National law; monitoring materials; indices; accessible court portal materials

Case	Shared baseline (comparability)	Expected variation (analytical leverage)	Evidence availability (why feasible)
Poland	Post-socialist + EU legal harmonisation	Stronger oversight capacity; institutional consolidation	Monitoring rounds; open legal sources; indices
Lithuania	Post-socialist + EU integrity agenda	High transparency orientation; civic participation	Monitoring; open registries; indices
Czech Republic	Post-socialist + EU legal environment	Institutional strengthening; judicial practice visibility	Monitoring; legal databases; indices
Hungary	Post-socialist + EU framework	Documented challenges on safeguards; divergence case	Monitoring; indices; comparative assessments

The sample is purposive and bounded. It is designed to maximise comparability (shared post-socialist legacies) while preserving meaningful variation (different integrity trajectories) and ensuring that claims can be triangulated using comparable sources.

2.8. Measurement Caveats and Limitations

Perception-based and experience-based indicators (such as CPI and bribery prevalence) are sensitive to survey design and reporting incentives, and do not directly measure enforcement consistency or the quality of judicial reasoning. Accordingly, indices are used as contextual benchmarks rather than as stand-alone proof of institutional performance. The review design supports mechanism identification and bounded inference, but it does not provide statistical generalisation to all Eastern European jurisdictions, nor does it capture sector-specific or subnational variations in full. These limitations are mitigated by triangulation and by separating formal rules from implementation signals throughout the analysis.

Experience-based survey measures and perception indices are sensitive to question wording, exposure patterns, and underreporting incentives; they are therefore interpreted directionally and always alongside institutional and enforcement signals.

3 RESULTS - CORRUPTION AND ACCESS TO JUSTICE: INSTITUTIONAL INTEGRITY AS A CONDITION OF FAIR TRIAL GUARANTEES

This subsection does not posit a unified "Eastern European model". Instead, it reports a structured cross-case comparison across the selected Eastern European EU member states examined in this review. Results are presented as convergent patterns observed across multiple cases and case-specific differences that qualify general statements about judicial safeguards and normative consistency. Accordingly, claims about institutional operational legal culture are framed as bounded inferences supported by triangulated evidence rather than as region-wide conclusions.

Results are reported as a structured synthesis aligned with the comparative protocol specified in the Methodology. Instead of inferring a single "Eastern European model", the analysis identifies convergent patterns and documented divergences across the selected Eastern European EU member states examined in this review (Poland, Lithuania, the Czech Republic, and Hungary), and contrasts them with Kazakhstan, the focal case. Empirical claims in this section rely on triangulation across at least two independent source types (legal texts, monitoring materials, internationally comparable indices, and publicly accessible judicial practice). Where the evidence is not convergent, the findings are presented as indicative signals rather than definitive cross-regional conclusions.

According to the Corruption Perceptions Index, Kazakhstan scored 40 out of 100 points, its highest score since the Index was introduced. This marks a slight positive trend ("in the plus") in comparison with previous years, when the score remained below 39, indicating a gradual improvement in transparency and anti-corruption efforts in 2024 (Table 4).[32]

***Table* 4. Kazakhstan's Corruption Perceptions Index (CPI) dynamics (2020–2024)**

Year	CPI score (0–100)	Interpretation (direction)
2020	38	baseline (pre-reform acceleration)
2021	37	slight decline
2022	36	continued decline
2023	39	rebound (partial recovery)
2024	40	incremental improvement

Between 2020 and 2024, Kazakhstan's CPI score fluctuated within a narrow corridor (36–40), with a two-year dip (2021–2022) followed by recovery (2023–2024). This pattern is consistent with the article's claim that formal reforms can improve perceived integrity only

32 'Corruption Perceptions Index' (n 4) Kazakhstan.

when implementation becomes predictable and externally verifiable; otherwise, improvements remain incremental and reversible (Table 5).[33]

***Table* 5. Kazakhstan's WJP Rule of Law Index dynamics (2021–2025)**

Year	Overall score (0–1)	Global rank	Note
2021	0.52	66	stagnation near mid-range
2022	0.53	65	marginal improvement
2023	0.53	65	Plateau
2024	0.54	65	incremental gain
2025	0.54	66	score stable; rank slightly weaker

The rule-of-law trajectory shows a slow, positive drift (0.52-0.54) with a near-stable ranking. This supports a stricter inference than the current narrative: Kazakhstan's governance indicators improve at the margin, but the pace is insufficient to generate a decisive shift in comparative position, an empirical signal of institutional inertia rather than consolidation of judicial autonomy.

Perception and rule-of-law indices are used here as contextual benchmarks rather than as direct measures of enforcement quality. Substantive claims in the Results section rely on triangulation with monitoring findings and enforcement outputs, including judicial practice and asset-recovery signals.

Kazakhstan's CPI score provides a useful benchmark for perceived public-sector integrity; however, perception-based indices do not directly measure enforcement consistency or the quality of judicial reasoning. To strengthen interpretive validity, the CPI trend is read alongside rule-of-law performance. In the 2025 World Justice Project Rule of Law Index, Kazakhstan scored 0.54 and ranked 66th out of 143 countries, indicating that integrity reforms have not yet translated into a decisive improvement in institutional constraints and judicial safeguards. In the CPI 2024, Kazakhstan scored 40/100 and ranked 88/180, reflecting modest progress but continued structural vulnerability in high-discretion areas of public administration.

Consequently, the results below focus not only on formal legal reforms, but also on whether enforcement and accountability mechanisms generate predictable deterrence and credible public trust.

Although the state has undertaken consistent legislative reforms and measures to enhance governmental accountability in recent years, the practical outcomes in law enforcement and

33 'Rule of Law Index' (n 5) Kazakhstan.

judicial practice remain limited. The OECD Report "Confiscation Measures and Sanctions in Corruption Cases in Kazakhstan" records an extremely low rate of accountability among individuals involved in high-level corruption schemes: over a three-year period, only one conviction for money laundering of corruption proceeds was registered. Furthermore, as the report highlights, Kazakhstan lacks a stable practice of asset confiscation of illicitly acquired property, and judicial decisions in corruption-related cases are rarely followed by subsequent property recovery measures.[34] This indicates that, while a criminal law framework exists, its implementation remains fragmented and dependent on political and administrative will. At the same time, the Baseline Report of the Fifth Round of Monitoring of Anti-Corruption Reforms in Kazakhstan underscores certain progress: Kazakhstan has formally implemented a number of GRECO and UNCAC recommendations, particularly in the areas of public procurement transparency and income declaration.[35] However, monitoring of reform implementation revealed persistent institutional weaknesses, including limited engagement of civil society, insufficient judicial autonomy, and the absence of effective mechanisms for external oversight of anti-corruption bodies.

Asset recovery and confiscation function as the "credibility test" of anti-corruption enforcement: when illicit gains remain protected, sanctions lose their deterrent effect and corruption becomes economically rational. The OECD report on confiscation measures and sanctions in Kazakhstan documents persistent gaps in the application and execution of confiscation orders and highlights weaknesses in judicial practice that limit recovery outcomes.[36] Therefore, the observed enforcement deficit should be interpreted not as an absence of criminal-law tools, but as a weak implementation chain linking investigation, adjudication, and post-conviction recovery.

In practice, this means that even the enacted legal innovations fail to ensure the proper level of independence of investigative and judicial authorities. According to the World Justice Project, Kazakhstan ranks 65th out of 142 countries, with an overall index score of 0.54, while the average for Eastern European countries exceeds 0.60.[37] Particularly weak performance is observed in the sub-indices "Constraints on Government Powers" and "Absence of Corruption", reflecting systemic dependence of the judiciary on the executive branch. Sociological surveys conducted by UNDP demonstrate that only about 31% of Kazakhstan's citizens perceive the judicial system as fair and independent. The low level of public trust in the judiciary reduces citizens' willingness to seek legal protection and fosters the growth of legal nihilism. As a result, corruption becomes not only a legal but also a socio-psychological phenomenon, undermining expectations of justice and creating an effect of "normalised violation".[38]

34 OECD, *Confiscation Measures and Sanctions in Corruption Cases in Kazakhstan* (OECD Publishing 2025) doi:10.1787/60159d3f-en.

35 OECD, *Baseline Report of the Fifth Round of Monitoring of Anti-Corruption Reforms in Kazakhstan: The Istanbul Anti-Corruption Action Plan* (OECD Publishing 2024) doi:10.1787/c9652173-en.

36 OECD, *Confiscation Measures* (n 34).

37 'Rule of Law Index 2024' (n 5) Kazakhstan.

38 ibid

Thus, corruption in Kazakhstan manifests not as an isolated deviation from the law but as a systemic pathology that disrupts the interconnection between law, trust, and civic participation. It limits access to justice, erodes the legitimacy of the judiciary, and obstructs the formation of a culture of legality. Despite ongoing legislative reforms and strategic programs, the gap between the normative framework and actual enforcement practices remains significant, necessitating revisions to institutional accountability mechanisms and greater civil society involvement in monitoring and evaluating the effectiveness of anti-corruption measures.

3.1. Comparative Analysis of Anti-Corruption Systems in Kazakhstan and Eastern Europe

This comparison does not treat Eastern Europe as institutionally uniform. Instead, it applies the same six analytical dimensions to each selected jurisdiction and reports results as convergent design features observed across multiple cases and case-specific differences that qualify regional generalisations. Consequently, claims about judicial independence, oversight autonomy, and normative consistency are presented as bounded inferences supported by triangulated evidence rather than as region-wide statements.

In the Czech Republic, preventive integrity instruments are anchored, inter alia, in the Act No. 340/2015 Coll. (Register of Contracts),[39] which operationalises publication duties for public contracting, and in the public procurement framework (Act No. 134/2016 Coll.),[40] which structures competitive procedures and review mechanisms. Together with the freedom-of-information regime (Act No. 106/1999 Coll.),[41] these instruments expand verifiability of public decision-making and reduce discretion hidden from scrutiny.

The comparative assessment of Poland, Hungary, and the Czech Republic is further substantiated by the EU Annual Rule of Law Reports (2024–2025), which provide a comprehensive and practice-oriented evaluation of judicial independence, integrity safeguards, and effective access to justice across EU member states.[42] Unlike perception-based indices, these reports focus on institutional design, implementation dynamics,

39 Act of the Czech Republic No 340/2015 Coll 'On the Register of Contracts' *(*adopted *24 November 2015)* [in Czech] https://www.e-sbirka.cz/sb/2015/340 accessed 10 October 2025.

40 Act of the Czech Republic No 134/2016 Coll 'On Public Procurement' *(*adopted *19 April 2016)* [in Czech] https://www.e-sbirka.cz/sb/2016/134 accessed 10 October 2025.

41 Act of the Czech Republic No 106/1999 Coll 'On Free Access to Information' (adopted 11 May 1999) [in Czech] https://www.e-sbirka.cz/sb/1999/106 accessed 10 October 2025.

42 Directorate-General for Justice and Consumers, '*2024 Rule of Law Report*' (*European Commission*, 24 July 2024) https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2024-rule-law-report_en accessed 10 October 2025; Directorate-General for Justice and Consumers, '*2025 Rule of Law Report*' (*European Commission*, 8 July 2025). Directorate https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2025-rule-law-report_en accessed 10 October 2025.

and documented risks affecting the everyday functioning of courts, thereby offering a more granular understanding of how corruption-related vulnerabilities translate into barriers to justice.

The reports reveal both convergent trends and persistent divergences within Eastern Europe. In Poland and the Czech Republic, recent monitoring cycles highlight gradual improvements in judicial transparency, publication of reasoned decisions, and procedural safeguards aimed at protecting litigants' rights.[43] At the same time, the reports acknowledge ongoing tensions surrounding judicial governance reforms, particularly debates over the balance between political accountability and judicial autonomy.

In contrast, the EU Rule of Law Reports on Hungary consistently identify structural vulnerabilities linked to constraints on judicial independence, concentration of executive influence, and the limited effectiveness of external oversight mechanisms.[44] Importantly, these deficiencies are framed not merely as constitutional concerns, but as issues with direct implications for access to justice. Where judicial safeguards are weakened, ordinary litigants are disproportionately affected: legal remedies become less predictable, procedural equality is compromised, and public trust in courts declines.

From this study's perspective, the significance of the EU assessments lies in their explicit articulation of the link between judicial integrity and access to justice. By demonstrating how governance deficits translate into concrete obstacles for court users, the EU reports reinforce the analytical premise that anti-corruption effectiveness must be evaluated through its capacity to secure fair trial guarantees and reliable judicial protection.

A comparison of the anti-corruption systems of Kazakhstan and Eastern European countries reveals differences that are not only institutional but also cultural and legal. In Eastern European countries such as Poland, Lithuania, the Czech Republic, and Slovakia, anti-corruption policy is grounded in the principles of multi-level accountability, autonomy of oversight bodies, and systematic integration of public control into law enforcement processes. In Kazakhstan, by contrast, the anti-corruption infrastructure remains largely verticalised and dependent on the executive branch. To ensure analytical transparency, the comparative assessment presented in Table 6 uses an ordinal three-point scale (0–2) to capture not only the formal existence of integrity mechanisms but also their practical effectiveness. A score of 0 indicates the absence of the relevant mechanism or purely declarative regulation without operational effect. A score of 1 reflects formal or partial implementation, where institutional arrangements exist but remain limited in enforcement capacity or independence. A score of 2 denotes effective and functioning implementation, supported by consistent practice, external oversight, and measurable integrity outcomes.

43 ibid, Czechia, Poland.
44 ibid, Hungary.

This scale enables nuanced comparisons across jurisdictions and avoids binary classifications that obscure differences between formal compliance and substantive effectiveness.

***Table* 6. Comparative Integrity Matrix (structured cross-case results; 0–2 scale)**

Country	D1 Autonomy	D2 Judicial safeguards	D3 Enforcement consistency	D4 Preventive instruments	D5 Digital transparency	D6 Civic oversight
Kazakhstan	1	1	1	1	1	1
Poland	2	2	2	2	2	2
Lithuania	2	2	2	2	2	2
Czech Republic	2	2	2	2	2	2
Hungary	1	1	1	1	1	1

Table 6 prevents "model" claims by making heterogeneity visible. The matrix supports graded interpretation: convergence is reported only where multiple cases share higher scores on the same dimensions, while divergence (e.g., Hungary vs Lithuania) is treated as an empirical qualifier rather than ignored.

According to the OECD Report "Anti-Corruption Trends in Eastern Europe and Central Asia",[45] Poland and Lithuania ensure the stable operation of anti-corruption bureaus that are subject to parliamentary oversight and possess the authority to initiate criminal proceedings against high-ranking officials. In particular, Poland's Central Anti-Corruption Bureau (CBA) enjoys functional independence, while Lithuania's Special Investigation Service (STT) operates under the principle of dual accountability, to both parliament and the president, thereby excluding pressure from the executive. These agencies not only investigate corruption-related offences but also undertake systematic preventive measures, including conflict-of-interest monitoring, procurement audits, and anti-corruption education initiatives.

In Kazakhstan, similar functions are carried out by the Agency for Combating Corruption (Antikor), established in 2019. However, as noted in the OECD Integrity Review of Kazakhstan,[46] the agency's institutional autonomy remains limited: it is accountable to both

45 OECD, *Anti-Corruption Trends in Eastern Europe and Central Asia: Strategic Frameworks and Business Integrity* (OECD Publishing 2025) doi:10.1787/69c92037-en.

46 OECD, *OECD Integrity Review of Kazakhstan: Advancing Integrity for Economic Development* (OECD Public Governance Reviews, OECD Publishing 2025) doi:10.1787/d705d02f-en.

the President and the Government, which reduces its independence in investigating cases involving senior officials. Furthermore, the Kazakhstani model is predominantly reactive and punitive, whereas Eastern European countries implement preventive and educational strategies to cultivate an anti-corruption culture.

Digitalisation matters only when it changes the opportunity structure for corruption. Open registries, accessible court decisions, and usable reporting channels increase the probability of detection and reduce discretion hidden from public scrutiny. However, if platforms do not provide feedback loops, data completeness, and practical accessibility, they remain symbolic rather than preventive instruments. Therefore, the comparative focus here is not on the existence of e-government tools as such, but on whether they operationalise transparency and enable civic oversight.

One key distinction lies in the levels of digitalisation and civic engagement. Lithuania and Poland maintain advanced online platforms for anonymous corruption reporting, public registries of officials' income declarations, and open-access databases of judicial decisions. Kazakhstan operates the Ashyq Ükimet (Open Government) system and the E-gov portal; however, the UN E-Government Survey (2024) indicates that citizen engagement in anti-corruption digital initiatives remains low.[47] This is attributed to both limited legal awareness among users and restricted access to comprehensive information about governmental decisions.

According to GRECO's Fourth Evaluation Round,[48] Eastern European countries exhibit a higher level of institutional accountability due to transparency in judicial appointments, prosecutorial independence, and the mandatory publication of financial disclosures. For Kazakhstan, these standards remain only partially implemented. For instance, an electronic declaration system exists, but the verification of data accuracy is limited and lacks a public auditing mechanism.

Thus, the comparative analysis demonstrates that the Eastern European model of anti-corruption governance is characterised by high institutional maturity, democratic accountability, and a culture of civic participation, while Kazakhstan remains in a transitional stage, shifting from a formally legislative to a culturally and institutionally embedded phase of anti-corruption policy.

To achieve a sustainable anti-corruption effect, Kazakhstan must strengthen the institutional independence of anti-corruption agencies, develop mechanisms of external oversight, expand digital transparency, and promote civic engagement. These measures would enable the country to move from combating the consequences of corruption toward its systematic prevention.

47 UN Department of Economic and Social Affairs, *E-Government Survey 2024: Accelerating Digital Transformation for Sustainable Development: With the addendum on Artificial Intelligence* (UN 2024).

48 GRECO, 'Fourth Evaluation Round (n 3).

3.2. Legal Consciousness and Anti-Corruption Behaviour of Citizens

An analysis of public perceptions of corruption demonstrates that in post-Soviet countries, including Kazakhstan, citizens' legal consciousness remains a key factor sustaining corruption. To operationalise "legal consciousness" empirically, this subsection treats it as a behaviourally observable construct reflected in:

- citizens' willingness to comply without informal payments,
- readiness to report abuse,
- perceived legitimacy of legal procedures.

The most policy-relevant indicator in this logic is the experienced bribery rate: in Kazakhstan, 17% of public-service users report having paid a bribe in the previous twelve months, indicating that informal exchange remains a recurrent coping mechanism in state–citizen interactions.[49] Mechanistically, a higher tolerance of corruption sustains demand-side incentives: when bribes are viewed as a predictable "transaction cost", reporting declines, social stigma weakens, and officials face fewer reputational and legal risks. In contrast, where legal norms are internalised and supported by credible oversight, bribery becomes less rational because the probability of exposure and the social cost increase. Therefore, anti-corruption education and civic oversight affect corruption not as abstract "awareness", but by changing expected payoffs in everyday administrative encounters, reducing citizens' readiness to pay and increasing the likelihood of complaints and public scrutiny.

Data from the Global Corruption Barometer for Europe and Central Asia show that[50] 17% of public service users in Kazakhstan[51] reported paying a bribe within the previous twelve months, which suggests that corruption continues to shape everyday interactions with public institutions.

For comparison, public trust in anti-corruption policy stands at approximately 53% in Poland and 48% in Lithuania. These differences reflect not so much deficiencies in legislation as disparities in the level of legal awareness and in the perception of legality as a shared social value.[52] The UNDP Report "Public Integrity and Civic Trust in Central Asia" emphasises that perceptions of corruption are closely linked to cultural context and the level of legal literacy. In Kazakhstan and neighbouring Central Asian states, corruption is often perceived not as a legal violation but as a form of "social exchange" that compensates for the

49 'Corruption Perceptions Index' (n 4) CPI 2024, Kazakhstan.

50 ibid

51 GR Absattarov, 'Relative unity and differences of legal and moral norms in Kazakhstani society: Political science aspects' (2021) 76(4) Bulletin of Abai Kazakh National Pedagogical University, Series: Sociological and Political Sciences 20, doi:10.51889/2021-4.1728-8940.11.

52 Roberto Martinez B Kukutschka, *Global Corruption Barometer European Union 2021: Citizens' Views and Experiences of Corruption* (Transparency International 2021) 14.

lack of institutional trust.[53] In contrast, in Eastern European countries, there is a gradual emergence of a civic responsibility ethic, in which compliance with the law is viewed as an element of personal honour and collective trust.

The level of education plays a decisive role in shaping anti-corruption behaviour. According to OECD, respondents with higher education are two to three times more likely to view corruption as unacceptable and to report instances of bribery.[54] In Kazakhstan, surveys conducted by the Antikor Agency show that approximately 40% of citizens with higher education expressed a willingness to cooperate with anti-corruption authorities, compared to less than 20% among those with incomplete secondary education.[55] This clearly demonstrates that improving legal literacy directly reduces tolerance for corruption and enhances personal legal responsibility.

Cultural differences are also evident in patterns of legal thinking. While in Eastern European countries the prevailing value model is grounded in the rule of law, the supremacy of law as the foundation of the social contract, in Kazakhstan and other Central Asian states, elements of paternalistic legal consciousness persist, where the law is perceived as an instrument of power rather than a mechanism of equal responsibility. Reports by the OECD Anti-Corruption Network[56] and GRECO[57] note that in contexts characterised by low trust in the judiciary and limited predictability of court decisions, citizens tend to rely not on legal norms but on personal connections and informal arrangements. This phenomenon of "social adaptability" transforms corruption into a means of compensating for institutional inefficiency and weakens internal moral barriers against legal violations.

Therefore, the development of sustainable anti-corruption behaviour requires not only legislative reform but also a fundamental rethinking of the cultural foundations of legal consciousness. Enhancing legal literacy, integrating anti-corruption education into general and professional training, supporting civic initiatives, and strengthening mechanisms of public accountability are not optional but essential conditions for transforming legal consciousness from a reactive stance into an active mechanism of societal self-regulation.

A methodological caveat is warranted. Experience-based survey measures (such as bribery prevalence) are sensitive to question wording, sectoral exposure, and underreporting

53 United Nations Development Programme (UNDP), *Tackling Corruption, Transforming Lives: Accelerating Human Development in Asia and the Pacific* (Macmillan 2008) 38.

54 OECD, *Anti-Corruption and Integrity Outlook 2024* (OECD Publishing 2024) doi.org/10.1787/968587cd-en.

55 Agency of the Republic of Kazakhstan for Anti-Corruption, 'National Anti-Corruption Report 2022' (*Anti-Corruption Service of the National Security Committee*, 2023) https://www.gov.kz/memleket/entities/anticorruption/documents/details/494573?lang=en accessed 4 March 2026.

56 OECD, *Anti-Corruption Network for Eastern Europe and Central Asia: 2023 Annual Report* (OECD Publishing 2024).

57 GRECO, 'Fourth Evaluation Round (n 3).

incentives; therefore, single-point comparisons across countries should be treated as **directional** rather than definitive. For this reason, the analysis triangulates citizen experience with governance context (rule-of-law constraints) and enforcement outputs, avoiding claims of a uniform regional pattern.

3.3. Legal Precedents and Judicial Practice

Judicial practice is one of the key indicators of the effectiveness of anti-corruption policy and the level of the judiciary's institutional independence. To move beyond descriptive case illustrations, judicial practice is interpreted through a coding-oriented analytic lens that captures five observable dimensions in court outcomes:

1) sanction severity and predictability;
2) quality of judicial reasoning (explicit public-harm assessment and proportionality logic);
3) use of disqualification and integrity-related restrictions;
4) treatment of proceeds of crime (confiscation, restitution, freezing); and
5) transparency of adjudication (publication and accessibility of decisions). This framework is consistent with the OECD's enforcement-focused diagnostics, in which weak confiscation practices and limited follow-through on recovery measures reduce the deterrent effect, even when formal criminalisation exists.

Accordingly, the core comparative question is not whether corruption is criminalised across jurisdictions (it is), but whether courts and enforcement bodies produce repeatable, dissuasive outputs that raise the expected cost of corruption while restoring public losses through asset recovery. Significant differences can be observed between Kazakhstan and Eastern European countries in the judicial response to abuses of power by public officials: from the limited accountability practices in Kazakhstan to the more developed systems of judicial oversight and preventive justice in Poland, Lithuania, and the Czech Republic.

According to the official portal of the Supreme Court of the Republic of Kazakhstan, between 2021 and 2024, courts of first instance reviewed more than 1,300 criminal cases related to corruption, of which approximately 65% resulted in convictions.[58] Most of these cases concern abuse of official authority (Article 361 of the Criminal Code of Kazakhstan) and bribery (Article 366 of the Criminal Code of Kazakhstan).[59] However, as noted in the OECD ACN Report "Monitoring of Anti-Corruption Reforms in Kazakhstan", only 15–17% of sentences involved imprisonment, while the majority consisted of fines or restrictions of

58 Judicial decisions in corruption-related cases 2021–2024, see in *Supreme Court of the Republic of Kazakhstan: Official judicial portal* https://sud.gov.kz/eng accessed 10 October 2025.

59 Act of the Czech Republic No 40/2009 Coll 'Criminal Code' (adopted 8 January 2009) [in Czech] https://www.e-sbirka.cz/sb/2009/40 accessed 10 October 2025.

liberty.[60] This reduces the deterrent effect of punishment and perpetuates a culture of tolerance toward corruption within the civil service.

A revealing example can be found in corruption cases related to public procurement (2022–2023), where courts imposed minimal prison terms despite significant financial damage to the State. In the decision of the Supreme Court of Kazakhstan dated February 17, 2023 (Case No. 600308-22-00-2), the court upheld the lower court's ruling and replaced a prison sentence with a fine, citing the defendant's "positive character references".[61] This case illustrates the problem of disproportionate sanctions, a concern also reflected in the GRECO Fourth Evaluation Round Report, which notes the "excessive leniency of judicial decisions and a lack of reasoning regarding public harm".[62] Furthermore, Kazakhstan still lacks a consistent practice of asset confiscation as an instrument of restorative justice. The OECD Report "Confiscation Measures and Sanctions in Corruption Cases" highlights that in recent years, there have been no recorded cases of final confiscation of property belonging to high-ranking officials, even when convictions were handed down.[63] Nevertheless, in 2023, the Supreme Court began introducing compensatory recovery measures in several cases, notably, in proceedings involving a former head of the Department of Health of Shymkent, which may be viewed as a step towards strengthening institutional judicial responses to corruption.

Judicial practice in Eastern Europe

In Eastern European countries, the judicial response to corruption-related crimes demonstrates a much higher degree of independence and normative consistency. The Constitutional Court of Poland, in its ruling of May 12, 2022 (Case K 6/21),[64] upheld the constitutionality of provisions requiring public officials to disclose information about their spouses' income, emphasising that "the principle of transparency in public service is the foundation of societal trust in law". In Lithuania, the Supreme Court in 2023 reviewed a series of cases involving abuses within municipal authorities and issued several precedent-setting judgments, establishing a direct link between administrative corruption and the violation of principles of integrity (Case 2K-256/2023).[65] These decisions are widely cited in GRECO and Council of Europe reports (2024) as examples of a moral–legal approach that integrates legal evaluation with ethical accountability.

In the Czech Republic, the institutional handling of serious corruption and economic crime has become more centralised since NCOZ operates as a nationwide police unit specialising,

60 OECD, *Baseline Report* (n 35).
61 Case No 600308-22-00-2 (Supreme Court of Kazakhstan, 17 February 2023).
62 GRECO, 'Fourth Evaluation Round (n 3).
63 OECD, *Confiscation Measures* (n 34).
64 Case K 6/21 (Constitutional Tribunal of the Republic of Poland, 12 May 2022).
65 Case 2K-256/2023 (Supreme Court of Lithuania, 12 December 2023).

inter alia, in corruption and serious economic crime.[66] High-level corruption cases are typically investigated by NCOZ (or, where not assumed by NCOZ, by regional police directorates) under prosecutorial supervision.[67] In terms of judicial sanctions, Czech criminal law provides for a prohibition of activity (including the performance of certain positions or functions) as a punitive measure where the offence is connected to the relevant activity. The criminal-law baseline for corruption offences is provided by the Czech Criminal Code (Act No. 40/2009 Coll.), while transparency and preventive controls are reinforced through the Register of Contracts Act (No. 340/2015 Coll.) and the Conflict-of-Interest regime (Act No. 159/2006 Coll., as amended).[68]

The comparison of judicial practice in Kazakhstan and Eastern Europe reveals several systemic differences. First, the Eastern European model is characterised by the institutional independence of the judiciary, in which constitutional and supreme courts function not only as law enforcement bodies but also as normative guarantors of public morality. Second, sanctioning policy in these countries is more predictable and stringent: penalties for corruption-related crimes serve a genuine deterrent purpose rather than a symbolic one. Third, the transparency of judicial proceedings ensures public oversight: the publication of court decisions, live broadcasting of hearings, and mandatory disclosure of the reasoning sections of judgments all contribute to building societal trust in the judiciary.

Importantly, these patterns should be read as within-sample contrasts among selected post-socialist jurisdictions rather than as attributes of an undifferentiated "Eastern Europe". The selected EU cases display materially different integrity baselines (e.g., Lithuania's CPI 2024 score is 63, the Czech Republic's is 56, Poland's is 53, while Hungary's is 41), which cautions against single-model claims and supports a graded interpretation of judicial and institutional consolidation.

For Kazakhstan, these practices hold significant potential for adaptation. The gradual introduction of judicial integrity principles and institutional mechanisms for external oversight of the judiciary could enhance public confidence in the justice system and strengthen anti-corruption standards. However, the key prerequisite remains the genuine independence of judges from the executive branch, transparency in judicial appointments, and the institutionalisation of the principle of "no impunity for abuse of power".

66 'Národní centrála proti organizovanému zločinu SKPV (NCOZ)' (*Police of the Czech Republic*, 2016) https://policie.gov.cz/clanek/narodni-centrala-proti-organizovanemu-zlocinu-skpv.aspx accessed 4 March 2026.

67 European Commission, '2023 Rule of Law Report - input from Member States: Czechia' (*European Commission*, 5 July 2023) 3 https://commission.europa.eu/publications/2023-rule-law-report-input-member-states_en accessed 4 March 2026 (noting that high-level corruption cases are investigated by NCOZ or regional directorates).

68 Act of the Czech Republic No 40/2009 Coll 'Criminal Code' (n 59); Act of the Czech Republic No 340/2015 Coll (n 39); Act of the Czech Republic No 159/2006 Coll 'On Conflict of Interest' (adopted 16 March 2006) [in Czech] https://www.e-sbirka.cz/sb/2006/159 accessed 10 October 2025.

Thus, judicial practice demonstrates that the fight against corruption cannot be limited to merely enacting laws: it requires a culture of accountability, consistent sanctions, and civic oversight of the judiciary as an institution of justice.

3.4. Judicial Practice and Integrity Outcomes

Judicial ethics constitute a central normative barrier against corruption within the justice system and a foundational condition for effective access to justice. Ethical standards do not merely regulate individual conduct; they shape institutional expectations of impartiality, independence, and integrity that determine whether courts can function as credible forums for the protection of rights. Where ethical norms are weakly institutionalised or selectively enforced, corruption risks increase, and judicial protection becomes unreliable for ordinary litigants.

This understanding is reflected in the Bangalore Principles of Judicial Conduct, which articulate independence, impartiality, integrity, propriety, equality, and competence as core judicial values.[69] These principles frame judicial ethics not as aspirational ideals, but as operational guarantees of the right to a fair trial. Importantly, the Bangalore Principles emphasise that public confidence in justice depends not only on the absence of actual corruption, but also on the perception that judges are insulated from improper influence and personal interests.

The normative role of judicial ethics is further developed in Opinion No. 21 (2018) of the Consultative Council of European Judges (CCJE), which explicitly links corruption prevention within the judiciary to access to justice. The CCJE stresses that ethical standards must be supported by transparent appointment procedures, proportionate and independent disciplinary mechanisms, and effective external oversight.[70] Where disciplinary systems are controlled by the executive or lack procedural safeguards, ethical regulation may itself become an instrument of pressure rather than a means of accountability.

The jurisprudence of the European Court of Human Rights (ECtHR) provides authoritative guidance on how deficiencies in judicial ethics and independence translate into violations of the right to a fair trial under Article 6 of the European Convention on Human Rights. In *Oleksandr Volkov v. Ukraine* (2013), the Court held that arbitrary disciplinary proceedings against judges undermine judicial independence and erode public trust in the justice system. The judgment underscores that access to justice is compromised when judges operate under constant threat of removal or sanction based on politically influenced procedures.[71]

69 UNODC, *The Bangalore Principles of Judicial Conduct* (UN 2018).

70 CCJE Opinion No 21 (2018) 'On the Prevention of Corruption Among Judges' <https://rm.coe.int/0900001680902e15> accessed 10 October 2025.

71 *Oleksandr Volkov v Ukraine* App no 21722/11 (ECtHR, 9 January 2013) <https://hudoc.echr.coe.int/eng?i=001-115871> accessed 10 October 2025.

In *Ástráðsson v. Iceland* (2020), the Grand Chamber further clarified that the lawful procedure of judicial appointment constitutes a substantive safeguard against corruption. The Court emphasised that irregularities in appointment processes affect not only individual judges, but the legitimacy of the entire judicial system. From the perspective of access to justice, unlawfully appointed judges weaken the predictability and authority of judicial decisions, thereby diminishing citizens' confidence in legal remedies.[72]

The decision in *Baka v. Hungary* (2016) highlights another critical dimension of judicial ethics: protection of judges' freedom of expression in matters concerning the administration of justice. The Court found that the retaliatory dismissal of a court president for publicly criticising judicial reforms violated Article 10 of the Convention and indirectly impaired judicial independence. Such practices, the Court noted, create a chilling effect that discourages judges from defending ethical standards and institutional integrity, ultimately affecting litigants' right to impartial adjudication.[73]

The ECtHR has also addressed the relationship between corruption allegations and public confidence in the justice system. In *Xenophontos and Others v. Cyprus* (2022), the Court examined how unresolved allegations of judicial corruption and inadequate institutional responses can undermine trust in the judiciary. The judgment confirms that when states fail to address corruption risks transparently and effectively, access to justice suffers because courts lose their perceived neutrality.[74]

Finally, in *Denisov v. Ukraine* (2018), the Court demonstrated how administrative pressure within judicial governance structures may interfere with judges' professional status and independence. The case illustrates that even indirect forms of institutional control can distort judicial behaviour, reinforcing the perception that justice is contingent on loyalty rather than legality. Such conditions disproportionately affect ordinary citizens, who are less equipped to navigate informal power dynamics within the legal system.[75]

Taken together, international ethical standards and ECtHR case law converge on a single principle: corruption within the judiciary is not merely a problem of individual misconduct, but a systemic threat to access to justice. Ethical norms, judicial independence, and transparent governance mechanisms function as interdependent safeguards. Where they operate effectively, courts can fulfil their role as guarantors of rights; where they fail, corruption becomes normalised and legal protection loses its credibility.

72 *Guðmundur Andri Ástráðsson v Iceland* App no 26374/18 (ECtHR, 1 December 2020) <https://hudoc.echr.coe.int/eng?i=001-206582 > accessed 10 October 2025.

73 *Baka v Hungary* App no 20261/12 (ECtHR, 23 June 2016) https://hudoc.echr.coe.int/eng?i=001-163113 accessed 10 October 2025.

74 *Xenophontos and Others v Cyprus* Apps nos 68725/14, 74339/16 and 74359/16 (ECtHR, 25 October 2022) https://hudoc.echr.coe.int/eng?i=001-220184 accessed 10 October 2025.

75 *Denisov v Ukraine* App no 76639/11 (ECtHR, 25 September 2018) https://hudoc.echr.coe.int/eng?i=001-186216 accessed 10 October 2025.

3.5. Authors' Model of Anti-Corruption Legal Consciousness Formation

The analysis of theoretical and empirical data demonstrates that combating corruption cannot be reduced to criminal-legal regulation or administrative control measures alone. Sustainable resistance to corruption is possible only through the formation of an integrated anti-corruption legal consciousness that encompasses cognitive, value-based, and behavioural dimensions. On this foundation, the author developed the conceptual model "Socio-Legal Integrity Framework", which unites cultural, legal, and politico-educational mechanisms aimed at shaping anti-corruption behaviour among both citizens and public officials (Figure 2).

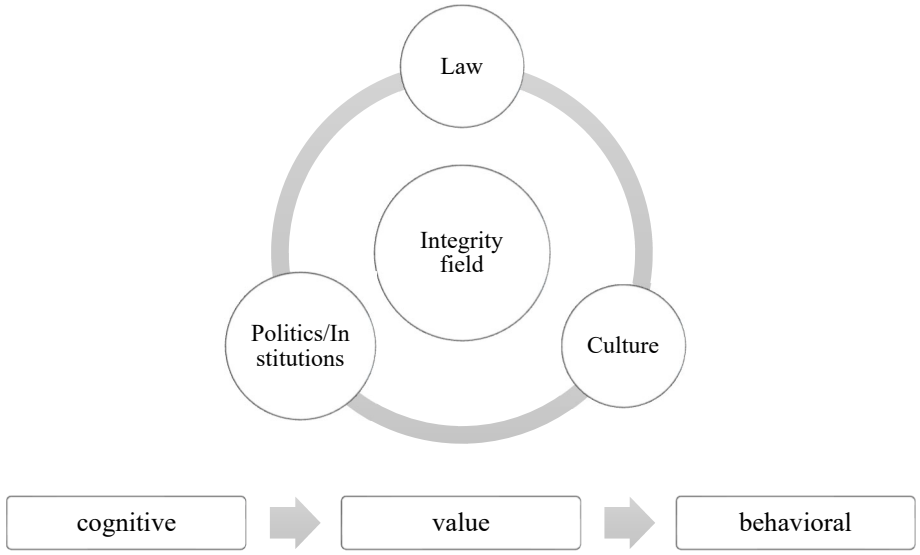

Figure 2. Socio-Legal Integrity Framework: interaction of law, culture, and institutional politics in shaping anti-corruption legal consciousness

The framework specifies a mechanism: institutional rules (law) become effective when they are internalised through legal culture and implemented via credible institutional channels. Integrity emerges in the overlap where transparency and oversight raise expected costs of corruption and reduce tolerance.

The central element of the model is legal education as an instrument of personal socialisation, fostering law-abidingness and civic responsibility. Studies by the OECD and UNESCO (2023) confirm that the level of civic engagement and understanding of the principles of the rule of law directly correlate with reduced tolerance toward corruption.[76]

76 OECD, *Anti-Corruption and Integrity* (n 54).

In Kazakhstan, the introduction of university courses such as "Anti-Corruption Culture" and "Fundamentals of Law and Ethics of Civil Service" represented an important step toward the institutionalisation of anti-corruption education.[77] However, the effectiveness of these courses largely depends on their practical orientation: the analysis of real-life case studies, modelling of conflicts of interest, and discussion of ethical dilemmas foster a conscious perception of corruption as a moral evil rather than merely a legal offence.

Civic culture, in turn, provides the value-based foundation for legal consciousness. As Khlebnikov et al. note, "legal culture is a measure of an individual's internal responsibility toward society, not merely fear of sanction".[78] Within this logic, legal consciousness functions not as a tool of subordination but as an expression of mature civic self-awareness. Thus, legal education and civic culture mutually reinforce each other, forming the foundation for sustainable anti-corruption behaviour.

The second component of the model reflects the institutional channels through which anti-corruption norms are disseminated. Educational institutions shape the primary foundations of law-abiding behaviour, particularly through the incorporation of interactive teaching methods such as role-playing, debates, and the analysis of judicial precedents. The UNDP Report emphasises that the implementation of such practices in Eastern European schools has reduced the level of petty corruption in the education sector by 20–25%.[79]

The mass media serve dual functions: public oversight and enlightenment. According to Transparency International, countries with a high degree of media independence demonstrate significantly lower levels of perceived corruption, on average, 15 points higher in the CPI than countries with restricted media environments.[80] However, the role of the media should not be limited to exposing corruption; it should also focus on promoting positive models of professional conduct based on openness, honesty, and accountability.

Non-governmental organisations (NGOs) serve as intermediaries between citizens and the state, transforming anti-corruption norms from abstract principles into practical forms of civic participation. A notable example is the Kazakhstani movement Adildik Zholy,[81] which conducts programs for public monitoring of government services, as well as Lithuania's Transparency School platform,[82] an effective model for training students

77 Decree of the President of the Republic of Kazakhstan No 802 of 2 February 2022 'Concept of Anti-corruption policy of the Republic of Kazakhstan for 2022-2026' https://adilet.zan.kz/kaz/docs/U2200000802 accessed 10 October 2025.

78 Khlebnikov et al. (n 26).

79 Ana Arsenijevic Momčilović, *Anti-Corruption Education in South-Eastern Europe – Compendium of Good Practices and Experiences* (UNODC 2024).

80 'Corruption Perceptions Index' (n 4) CPI 2018.

81 GRECO, *Joint First and Second Round Evaluation: Compliance Report on Kazakhstan* (Greco RC-I/II (2024) 1E, Council of Europe 2024) 3, 5.

82 *Transparency International School on Integrity: Website* https://transparencyschool.org/ accessed 10 October 2025.

and young professionals in the principles of ethical leadership. These examples confirm that sustainable anti-corruption behaviour emerges at the intersection of law, education, and civic engagement.

The authors' model is grounded in the premise that anti-corruption legal consciousness is the outcome of the systemic interaction of three interdependent spheres: law, culture, and politics.

The Socio-Legal Integrity Framework conceptualises anti-corruption capacity as a condition for effective access to justice. Within this model, legal education and civic culture shape citizens' willingness to rely on lawful procedures, while institutional autonomy and judicial integrity determine whether such reliance is justified in practice. Access to justice emerges where these elements intersect: when courts are independent, procedures transparent, and legal norms internalised as socially binding rather than externally imposed.

Law establishes the normative foundation of laws, sanctions, and mechanisms of accountability.

Culture provides a value-based framework for ethics in public service, respect for the law, and societal trust.

Politics ensures the institutional implementation of transparent procedures, independent courts, and mechanisms of public accountability.

At the intersection of these three domains arises an integrity field, a zone of integration where both personal and institutional intolerance toward corruption is formed.

The model envisions the progressive development of three interconnected levels:

Cognitive level – acquisition of knowledge about anti-corruption norms and procedures;

Value level – recognition of honesty and justice as fundamental societal ideals;

Behavioural level – readiness to act in accordance with the law, even in the absence of external control.

The practical implementation of this framework requires strong institutional support: systemic anti-corruption education, promotion of legal awareness, development of a media culture of responsibility, and the strengthening of civil institutions engaged in monitoring government accountability.

The comparative results should be interpreted within the limits of an analytical review design. While triangulation strengthens robustness, the study does not claim statistical representativeness for the whole of Eastern Europe. Instead, it identifies governance mechanisms that recur across the selected cases and evaluates their transferability to Kazakhstan under comparable post-socialist transition constraints.

To broaden the comparative perspective beyond Kazakhstan and the Visegrád countries, the experience of Ukraine and Moldova is particularly instructive. Both jurisdictions have pursued deep anti-corruption and judicial reforms aimed at restoring public trust and improving access to justice. In Ukraine, the restructuring of judicial governance, integrity vetting of judges, and the establishment of specialised anti-corruption courts were explicitly framed as measures to safeguard fair trial guarantees and reduce executive influence over adjudication.

Moldova's reform trajectory similarly illustrates the importance of combining institutional redesign with civic oversight and international monitoring. These cases demonstrate that meaningful progress against corruption requires not only legislative change, but also sustained engagement with judicial ethics, transparency of appointments, and societal participation in oversight mechanisms.

4 DISCUSSION

4.1. Corruption as a Socio-Legal Constraint on Access to Justice

This section discusses the implications of the empirical and comparative findings, focusing on how corruption affects judicial integrity and access to justice in post-socialist legal systems.

The findings of this study confirm that corruption in post-socialist legal systems cannot be adequately explained or addressed solely through the lens of criminal law or administrative enforcement. Instead, corruption emerges as a socio-legal phenomenon that directly shapes the conditions under which access to justice is either enabled or constrained. Where legal culture remains weak and judicial institutions lack effective safeguards of independence, corruption functions as an informal regulator of legal outcomes, substituting lawful procedures with discretionary and opaque practices.

4.2. Procedural Justice, Predictability, and the Citizen's Willingness to Litigate

From the perspective of access to justice, the most consequential effect of corruption lies in its capacity to erode procedural fairness and legal predictability. Even where formal rights to judicial protection are constitutionally guaranteed, their practical realisation depends on citizens' confidence that courts operate impartially and independently. The empirical evidence examined in this study, ranging from governance indicators to judicial practice, demonstrates that when corruption risks persist within the judiciary, individuals are less likely to seek legal remedies, particularly in disputes involving public authorities. This dynamic transforms access to justice into a selective rather than universal entitlement.

4.3. Comparative Implications: Integrity Safeguards and Institutional Credibility

The comparative analysis reinforces this conclusion. In the Eastern European jurisdictions examined, improvements in judicial integrity, transparency, and external oversight are closely associated with higher levels of public trust and more consistent enforcement outcomes. Conversely, where executive influence over judicial governance remains pronounced, as illustrated by monitoring reports and ECtHR case law, access to justice is weakened not through explicit denial, but through uncertainty, delay, and the perceived futility of legal action. These findings underscore that access to justice is not merely a procedural guarantee, but a systemic outcome dependent on institutional credibility.

4.4. Judicial Ethics and Human-Rights Standards as Interpretative Anchors

Judicial ethics and European human rights jurisprudence provide a crucial interpretative framework for understanding this relationship. The Bangalore Principles and CCJE standards conceptualise ethical integrity as a functional prerequisite for fair trial guarantees, while ECtHR case law demonstrates how deficiencies in judicial independence translate into violations of Article 6 of the European Convention on Human Rights. Together, these sources confirm that corruption within judicial institutions constitutes a structural threat to access to justice, even in the absence of overt bribery.

4.5. Kazakhstan: The Implementation Gap and Its Consequences for Legal Consciousness

In Kazakhstan, the persistence of an implementation gap between formal anti-corruption reforms and judicial practice remains a central challenge. While legislative and institutional measures signal a commitment to integrity, their limited impact on enforcement consistency and asset recovery undermines their credibility in the eyes of citizens. As a result, corruption continues to shape expectations of justice, reinforcing legal nihilism and discouraging lawful dispute resolution. The findings suggest that without strengthening judicial autonomy, external oversight, and civic engagement, anti-corruption policy risks remaining reactive rather than transformative.

4.6. Policy Implications: Integrating Law, Education, and Transparency Instruments

Building on the Kazakhstan-specific implementation gap discussed above, this subsection translates the review's comparative patterns into practice-oriented policy implications.

In this section, education is used in three distinct senses: civic education (values and civic competence), legal education or legal literacy (rights, procedures, and integrity norms), and professional integrity training (skills-based training for judges and public officials). This distinction avoids treating 'education' as a single undifferentiated driver of anti-corruption outcomes.

The conducted research convincingly demonstrates that corruption in contemporary society functions not only as a legal offence but as an indicator of the state of legal culture and the operational legal culture of public legal consciousness. Within the legal system of Kazakhstan, as in most post-socialist states, the struggle against corruption is hindered not by the absence of legislation (its normative base is sufficiently developed), but by the weakness of institutional and cultural mechanisms that ensure the internal acceptance of anti-corruption norms. Corruption reflects a deficit of legal identity and institutional trust, making it not merely a juridical problem but also an anthropological one that affects the worldview and ethical orientation of the citizen.

The international experience analysed in comparative perspective clearly shows that effective anti-corruption policy is impossible without transforming public legal consciousness. In Eastern European countries, such as Poland, Lithuania, the Czech Republic, and Hungary, the implementation of transparency programs, digital justice systems, and civic oversight mechanisms has created institutional guarantees of integrity rooted in social ethics and public trust. In these states, legal consciousness has ceased to function merely as a reaction to sanctions; it has evolved into an internal disposition towards legal honesty, in which compliance with the law is perceived as a form of participation in strengthening democracy. For Kazakhstan, this experience is particularly significant: it confirms that the law becomes truly effective only when it aligns with society's moral choice.

At the same time, international standards such as the UNCAC, the OECD Anti-Bribery Convention, and GRECO recommendations require thoughtful adaptation rather than mechanical replication. Without considering cultural codes, civic mentality, and models of interaction between state and society, anti-corruption norms lose their effectiveness. Therefore, the key objective of Kazakhstan's anti-corruption strategy must be the formation of a new type of legal culture, grounded in the values of transparency, justice, and public service, in which legal consciousness is not a product of state coercion but an expression of inner civic maturity.

Achieving a sustainable anti-corruption effect requires integrating educational, legal, and technological tools into a unified strategy to cultivate a culture of integrity. The recommendations developed in this research aim to strengthening legal awareness, increase transparency in the judicial system, and enhance public engagement in mechanisms of governmental oversight. They are grounded in the principles of adaptive governance and reflect best practices from Eastern European countries, where institutional reforms were accompanied by profound cultural transformations.

Proposals concerning the creation of a specialised anti-corruption ombuds-type institution should be read as an exploratory governance option rather than a call for immediate constitutional redesign. Given the sensitivity of institutional architecture in Kazakhstan, the feasibility, mandate boundaries, and political-constitutional implications of such an office

require separate analysis (comparative constitutional review, stakeholder assessment, and implementation scenarios). Accordingly, this article treats the ombuds-type model as a direction for further research and as an optional statutory design that could be piloted within existing oversight frameworks.

References to blockchain and AI in this article are deliberately instrumental. They are treated as auxiliary governance tools that can improve traceability, auditability, and the usability of transparency channels, thereby supporting enforcement credibility and civic oversight. However, they cannot serve as substitutes for the foundational determinants identified in this review: judicial independence, accountable institutions, and the civic-legal capacity of legal culture. Without value-based legal socialisation, reliable safeguards, and externally verifiable accountability, digital systems risk remaining symbolic or may even reproduce discretionary bias in a new technical form. Therefore, the proposed digital instruments should be interpreted as support mechanisms embedded in a broader socio-legal reform package rather than as standalone anti-corruption solutions.

From a politico-legal perspective, an ombuds-type integrity institution is justified only to the extent that it does not duplicate investigative or judicial powers and serves a narrow function: improving transparency, processing complaints, and ensuring structured parliamentary reporting on integrity risks. In post-socialist contexts, such offices are typically justified as mechanisms that bridge the gap between citizens and enforcement systems, especially when trust deficits reduce reporting and litigation. Nevertheless, in Kazakhstan, the institutional choice must prioritise compatibility with existing constitutional arrangements, which is why the present recommendation is framed as a statutory and pilotable option subject to separate feasibility assessment.

The table below presents structured recommendations tailored for implementation within the framework of Kazakhstan's anti-corruption policy. Each item represents a combination of normative and educational measures designed to ensure a balance between legal rigour and cultural sustainability (Table 7).

***Table* 7. Policy recommendations for strengthening anti-corruption awareness**

Problem	Proposed Solution	Responsible Institutions
Low level of legal literacy and civic responsibility	Introduce a mandatory module "Anti-Corruption Culture and Legal Consciousness" in all training programs for public officials and in university curricula in law, education, and public administration. Promote interactive forms of legal learning (debates, moots, case analysis).	Ministry of Science and Higher Education of the Republic of Kazakhstan; Antikor Agency; Higher Education Institutions; NCPD "Өрлеу"

Problem	Proposed Solution	Responsible Institutions
Corruption practices in the judiciary and disproportionate sentencing	Develop a digital audit system for court rulings with elements of artificial intelligence (AI Legal Integrity Monitor) to monitor judicial reasoning, ensure consistency of sanctions, and detect recurring procedural errors.	Ministry of Justice of the Republic of Kazakhstan; Supreme Court of the Republic of Kazakhstan; Agency for Digital Development
Public distrust in state and judicial institutions	Strengthen external accountability through one of two institutionally realistic routes: (a) expand the mandate of the existing Human Rights Ombudsman or another statutory oversight body by adding a specialised anti-corruption integrity function (monitoring, annual reporting to Parliament, public recommendations); or (b) establish a statutory (non-constitutional) Anti-Corruption Ombudsman or Integrity Commissioner with clearly delimited powers focused on transparency, complaints review, and coordination of public oversight. This instrument is designed to complement, not replace, prosecutorial and judicial functions, and must operate under parliamentary reporting and procedural safeguards.	Parliament of the Republic of Kazakhstan; Agency for Combating Corruption; Office of the Ombudsman
Insufficient civic participation and public oversight	Launch a national online Adaldyq Platform for crowdsourcing information on corruption risks, publishing regional integrity indices, and monitoring the effectiveness of public services.	Antikor Agency; NGOs; Public Councils; Media Outlets
Media inactivity and weak anti-corruption education	Create a grant program for investigative journalism and documentary projects that promote values of open governance and ethical public service.	Ministry of Information and Social Development of the Republic of Kazakhstan; Union of Journalists of Kazakhstan

Problem	Proposed Solution	Responsible Institutions
Non-transparent public procurement and tender procedures	Introduce tamper-evident audit trails for procurement and tender documentation (including blockchain-based solutions where justified) to strengthen ex post verification and reduce opportunities for document manipulation. This measure is effective only when combined with enforceable procurement oversight, sanctions, and meaningful public access to data.	Ministry of Digital Development; Accounts Committee; Financial Monitoring Agency

In this paper, AI and blockchain are referenced only as support tools that may enhance auditability and transparency. They cannot replace the socio-legal foundations of integrity, legal culture, judicial independence, and credible accountability.

These recommendations emphasise the interdependence of legal modernisation and cultural transformation. By combining institutional transparency, civic empowerment, and technological innovation, Kazakhstan can transition from reactive anti-corruption measures toward a proactive system of integrity governance, where compliance with the law becomes both a civic norm and a shared social value.

The implementation of the proposed measures will require not only political will but also a profound institutional reorientation of the legal system. It is essential that these steps be accompanied by the formation of a new ethics of public service, grounded in intrinsic motivation and personal responsibility rather than in the fear of formal punishment. Only under this condition can anti-corruption policy evolve from an external administrative mechanism into a self-regulating system of social norms, where honesty and law-abiding behaviour are perceived as natural and internally motivated forms of conduct.

From the perspective of access to justice, corruption undermines the very foundations of fair trial guarantees. Judicial dependence, selective enforcement, and inconsistent sanctioning undermine the principle of equality of arms and compromise the impartiality of adjudication. Even where formal procedural safeguards exist, their practical value diminishes if judicial reasoning lacks transparency or if outcomes depend on informal influence rather than legal merit.

In this sense, corruption should be conceptualised as a violation of procedural justice. It does not merely accompany individual cases of bribery, but restructures expectations of legality by normalising informal solutions to legal disputes. This dynamic is particularly damaging in systems characterised by low legal culture, where citizens internalise the belief that justice is inaccessible through lawful means.

4.7. Prospects for Further Research

Finally, the limitations identified in this review, along with observed evidence gaps, suggest several directions for further research, particularly the development of primary data collection designs.

Future directions of scholarly inquiry in the field of anti-corruption policy are closely tied to the exploration of emerging socio-technical realities and ethical dilemmas of digital justice. Foremost among these is the need for in-depth analysis of the formation of digital ethics and anti-corruption algorithms designed to balance technological transparency with the protection of personal rights. Particular attention should be devoted to the integration of artificial intelligence into judicial systems – from predictive analytics of judgments to automated detection of corruption patterns – which challenges jurisprudence to rethink the fundamental principles of procedural fairness.

An equally important research trajectory concerns the evolution of legal culture in the digital era, when trust in institutions is increasingly shaped not by direct interpersonal experience but by digital interfaces through which citizens interact with the state. In this context, it is crucial to examine how e-justice, open data, and online civic education foster new forms of civic identity and social accountability. Additional scholarly interest lies in regional integrity studies aimed at identifying correlations among cultural codes, levels of education, economic development, and the resilience of anti-corruption practices in Eastern Europe and Central Asia.

The combination of these directions forms the foundation for a transition from classical jurisprudence to an integrative model of anti-corruption law, one that synthesises legal, ethical, and technological dimensions. Such an approach not only broadens the horizons of legal scholarship but also strengthens its social mission: to serve as an instrument of public integrity and a guarantor of trust in justice.

5 CONCLUSION

This article has demonstrated that corruption in post-socialist contexts should be understood not only as a violation of legal norms but as a socio-legal condition that fundamentally affects access to justice. Drawing on a structured comparative analysis and triangulated evidence from international standards, monitoring reports, judicial practice, and ECtHR jurisprudence, the study identifies legal culture, institutional accountability, and judicial integrity as key determinants of whether formal rights to justice translate into effective protection in practice.

The findings confirm that access to justice deteriorates where corruption undermines judicial independence, enforcement consistency, and public trust. In such environments,

courts lose their role as neutral arbiters and become perceived as contingent institutions, accessible primarily through informal influence. In contrast, jurisdictions that combine institutional autonomy, operational transparency, ethical safeguards, and civic oversight demonstrate greater resilience against corruption and higher levels of public confidence in judicial protection.

The principal conceptual contribution of the study, the Socio-Legal Integrity Framework, clarifies how anti-corruption capacity emerges at the intersection of law, culture, and institutional politics. Within this framework, legal education and civic culture are not peripheral instruments, but mechanisms that shape citizens' willingness to rely on courts, while judicial ethics and institutional safeguards determine whether such reliance is justified. Access to justice arises where these elements converge, transforming legal norms from formal declarations into lived social practices.

For Kazakhstan, the analysis indicates that the next phase of anti-corruption reform should prioritise institutional credibility over additional formalisation. Strengthening the judiciary's functional independence, enhancing the effectiveness of external oversight mechanisms, and embedding value-based legal education are mutually reinforcing steps towards restoring public trust. Technological instruments, including digital transparency tools, can support this process only if they operate as accountability facilitators rather than symbolic innovations.

The study's conclusions are bounded by its analytical design. While the comparative approach allows for the identification of recurrent governance mechanisms across selected jurisdictions, it does not claim statistical generalisation. Future research should therefore extend the analysis through primary empirical methods, including surveys of court users and interviews with judges, lawyers, and civil society actors, as well as through regional-level studies of access to justice within Kazakhstan.

Ultimately, sustainable anti-corruption reform depends on whether legal systems can ensure that justice is not merely promised, but reliably delivered. Where courts operate with integrity and independence, access to justice becomes a shared social expectation rather than an uncertain privilege. Under these conditions, anti-corruption policy evolves from episodic control into a durable culture of legality that reinforces the rule of law and public trust.

This article has argued that corruption in post-socialist contexts should be treated not only as a criminal-law category but as a socio-legal phenomenon embedded in legal culture, institutional incentives, and everyday patterns of state–society interaction. Using an analytical-review design and a structured comparative protocol, the study synthesised evidence from national legislation, international standards and monitoring outputs (UNCAC, OECD instruments, GRECO), cross-country governance indicators (CPI and the WJP Rule of Law Index), and accessible judicial practice materials for 2019–2025. This approach enables moving beyond illustrative case narratives and identifying mechanisms that repeatedly shape corruption risks and anti-corruption capacity across the selected cases.

The findings support the central proposition that the prevalence and social tolerance of corruption are closely linked to the institutionalised legal culture of legal consciousness and to the credibility of institutional accountability. In Kazakhstan, recent improvements in perceived integrity and ongoing legislative reforms signal movement in the right direction; however, the evidence also points to a persistent implementation gap between formal standards and enforcement outcomes. Where judicial safeguards remain fragile, sanctions are perceived as inconsistent, and asset recovery is weak, anti-corruption policy risks becoming reactive: it addresses visible violations while leaving the incentive structure that sustains informal exchanges largely intact. In this setting, corruption functions as a predictable "solution" to institutional uncertainty, thereby reproducing legal nihilism and weakening citizens' willingness to rely on legal remedies.

The comparative synthesis across selected Eastern European EU member states examined in this review indicates that integrity governance tends to consolidate when several elements operate together rather than in isolation. Institutional autonomy of oversight bodies, transparency that is operational (not symbolic), predictable sanctioning, and meaningful civic oversight collectively raise the expected cost of corruption and reduce the perceived need for informal transactions. Importantly, the study does not claim a single "Eastern European model". The evidence instead shows a graded landscape of institutional consolidation and heterogeneity across cases, which cautions against region-wide generalisations and reinforces the need for bounded, mechanism-oriented inference.

The article's main conceptual contribution is the Socio-Legal Integrity Framework, which clarifies how anti-corruption capacity emerges at the intersection of law, culture, and institutional politics. The framework treats legal education and civic culture not as peripheral "awareness" instruments but as mechanisms that change behavioural incentives by shaping intolerance toward corruption, lowering demand for informal payments, and strengthening the legitimacy of legal procedures. At the institutional level, the framework emphasises that enforcement credibility depends on the integrity of the full implementation chain, from investigation and adjudication to post-conviction asset recovery, because confiscation and restitution are not merely technical measures but visible signals that corruption is not economically rational.

From a policy standpoint, the study suggests that Kazakhstan's next reform stage should prioritise institutional credibility over additional formalisation. Strengthening the practical autonomy of anti-corruption bodies, expanding civic oversight through usable digital platforms with feedback loops, improving transparency of judicial reasoning, and institutionalising value-based legal education are mutually reinforcing steps. Their joint effect is to reduce discretion hidden from scrutiny, increase detectability, and align legal norms with internalised civic expectations of fairness. Technological tools, including AI-assisted integrity monitoring, can support this agenda only if implemented with due-process safeguards, transparency of algorithms, and human-in-the-loop decision rules that protect procedural fairness and prevent automated arbitrariness.

The study's conclusions should be interpreted in light of its design. As an analytical review based on triangulated secondary sources, it supports structured within-sample comparison and mechanism identification, but it does not provide statistical generalisation to all Eastern European jurisdictions, nor does it fully capture sector-specific or subnational variation. Future research should therefore validate the proposed mechanisms through primary data, surveys and interviews with public service users, judges, investigators, and civil society actors, while also extending the analysis to regional integrity mapping within Kazakhstan. A second promising direction is the governance of digital anti-corruption instruments, where the normative challenge is to balance transparency and accountability with rights protection and procedural justice.

Overall, the results converge on a practical yet demanding implication: sustainable anti-corruption change requires more than legal drafting and punitive intent. It depends on whether institutions reliably translate formal rules into predictable enforcement and visible recovery of illicit gains, and whether society internalises integrity as a shared legal and moral expectation. Only under these conditions can anti-corruption policy evolve from episodic control to a stable culture of legality that strengthens judicial legitimacy, expands access to justice, and consolidates the rule of law.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

КОРУПЦІЯ ЯК СОЦІАЛЬНО-ПРАВОВИЙ ЧИННИК ОБМЕЖЕННЯ ДОСТУПУ ДО ПРАВОСУДДЯ: ПОРІВНЯЛЬНИЙ АНАЛІЗ ДОБРОЧЕСНОСТІ КАЗХСТАНУ ТА ОКРЕМИХ ЮРИСДИКЦІЙ СХІДНОЇ ЄВРОПИ (2019–2025)

Віктор Жамулдінов та Арман Ахметов*

АНОТАЦІЯ

Вступ. *У постсоціалістичних правових системах, зокрема в Казахстані та кількох державах Східної Європи, корупція продовжує створювати системний виклик верховенству права та ефективному доступу до правосуддя. У цій статті корупція розглядається як соціально-правове явище, що підтримується повторюваними практиками ухвалення рішень в адміністративних органах і судах та суспільними моделями ставлення до законності, включно з довірою до інституцій. Ці механізми разом визначають, як права забезпечуються на практиці, та чи сприймаються суди як такі, що заслуговують на довіру. Коли незалежність судової влади ослаблена, а громадянсько-правова свідомість низька, корупція не визначає результати автоматично, але збільшує ймовірність того, що неформальний вплив може проникнути в процедури ухвалення рішень та підірвати процесуальну рівність, передбачуваність та довіру до судового розгляду. Хоча деякі системи управління можуть частково компенсувати цей ризик за допомогою ефективного контролю в суміжних інституціях, сектор правосуддя менш схильний до компенсації, оскільки суди є остаточною інстанцією для того, щоб забезпечити виконання та захист прав. Тому аналіз зосереджується на судовій системі не*

як на єдиному осередку корупції, а як на критичному каналі, через який корупція перетворюється на практичні обмеження доступу до правосуддя – через знижену передбачуваність, слабшу процесуальну рівність та нижчу довіру до судових рішень. Розуміння корупції крізь призму доступу до правосуддя вимагає уваги до її правових, культурних та інституційних основ.

Методи. *У дослідженні застосовується соціально-правовий (право та суспільство) аналітичний огляд, що поєднує порівняльно-правовий аналіз з соціально-правовим аналізмо, що виявляє причинно-наслідкові механізми, та якісним контент-аналізом. Доказова база складається з національного законодавства, міжнародних антикорупційних документів та документів про верховенство права (UNCAC, OECD, GRECO), вибраної судової практики та аналітичних звітів Transparency International та ПРООН. Структуроване порівняння Казахстану з вибраними східноєвропейськими юрисдикціями (Польщею, Литвою та Чеською Республікою) проводиться для оцінки того, як правова культура, інституційна автономія та громадський нагляд впливають як на контроль корупції, так і на доступ до правосуддя.*

Результати та висновки. *Отримані дані виявляють прямий зв'язок між рівнем корупції, операційною правовою культурою та практичним доступом до правосуддя. Там, де судові гарантії діють та піддаються зовнішній перевірці, прозорість стає реальною: обґрунтовані рішення є публічно доступними, а канали участі – придатними для використання. За цих умов толерантність до корупції знижується, а довіра до судів, швидше за все, зростає. У статті представлено Соціально-правову систему доброчесності, яка інтегрує правову освіту, культурну трансформацію та інституційну підзвітність як взаємопов'язані механізми формування антикорупційної правосвідомості. Для Казахстану аналіз підкреслює необхідність зміцнення автономії антикорупційних органів, посилення зовнішнього нагляду за судовою системою, розширення змістовної цифрової прозорості та впровадження ціннісно-орієнтованої юридичної освіти. На противагу цьому, кілька східноєвропейських держав демонструють більш просунуті превентивні підходи, засновані на партисипативному управлінні та правовій етиці, що підлягає виконанню. У дослідженні було зроблено висновок, що ефективна антикорупційна політика вимагає не лише формальної правової реформи, але й системної реконфігурації правової культури для забезпечення справжнього доступу до правосуддя.*

Ключові слова. *Корупція; соціально-правове явище; верховенство права; правова культура; правова свідомість; інституційна підзвітність; незалежність судової влади; послідовність правозастосування; повернення активів; публічна доброчесність; громадянська активність; прозорість; антикорупційне управління.*