

Research Article

MANAGING RELIGION IN A SECULAR STATE: KAZAKHSTAN'S INTERFACE RULES AND EVIDENCE-BASED REFORMS

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ABSTRACT

Background: Kazakhstan constitutionally protects freedom of conscience and freedom of religion or belief and defines itself as a secular state. The article examines how that guarantee is administered at five state-religion interfaces: registration of religious associations, registration and re-registration of persons carrying out missionary activity, religious literature expert assessment and designated-place rules, notification of religious events outside cult buildings and other listed venues, and regulation of spiritual or religious educational organisations only insofar as they conduct educational activity subject to education legislation.

Method: The article combines doctrinal analysis with selected administrative and judicial indicators from the post-2011 regulatory period. It uses 2011, 2012, 2017 and 2023 as benchmark years, with later official materials for 2024, 2025 and the first quarter of 2026 treated as current-status snapshots. The legal analysis covers the Constitution, the 2011 Religion Law, administrative and criminal legislation, implementing bylaws, Article 18 of the International

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Covenant on Civil and Political Rights, selected domestic case law, a Constitutional Court resolution, and persuasive comparative materials.

Results and Conclusions: In 2023, Kazakhstan recorded 3,977 registered religious associations. Form No. 1-AD records 206 rulings imposing administrative penalties under Articles 489 and 490 of the Code of Administrative Offences: 49 under Article 489 and 157 under Article 490. Article 490, therefore, accounts for 76.2% of the relevant penalty rulings. The sanction profile is fine-dominant, with one warning and 205 fines. The article concludes that peaceful, first-time, or remediable breaches in the religious sphere require a more graduated compliance sequence before fines, bans, seizures, refusals, suspensions, or liquidations are imposed.

1 INTRODUCTION

Kazakhstan constitutionally protects freedom of conscience and religion while defining the state as secular. The practical content of that constitutional settlement is shaped less by the abstract declaration of secularity than by the administrative points at which religious activity becomes visible to public authorities. At those points, decisions on legal personality, missionary registration, religious literature, events, education-law requirements, sanctions, and review determine how the guarantee operates in ordinary legal practice.

Those points are analysed here as five legally distinct state-religion interfaces: registration of religious associations; registration and annual re-registration of persons carrying out missionary activity; expert assessment, import and designated-place rules for religious literature; notification of religious events outside cult buildings and other statutorily listed venues; and regulation of spiritual or religious educational organisations only insofar as they conduct educational activity subject to education legislation. Treating them separately is important because each interface uses a different legal technique: registration or re-registration for missionary activity; notification for events; expert assessment and designated-place rules for literature; and education licensing only where a spiritual or religious organisation conducts educational activity regulated by education legislation.

The existing literature supplies the policy and institutional background. It has explained Kazakhstan's post-Soviet secular model, the architecture of the 2011 Religion Law and broader Central Asian patterns of state management of religion.¹ What remains insufficiently developed is the connection between those accounts and the evidence generated by the interfaces themselves. The unresolved legal question is how each interface performs when tested for legal certainty, neutrality, reason-giving, available sanctions, and proportionality, and when doctrinal analysis is read alongside official administrative-offence indicators and case-based reasoning.

1 Inna Nam Brady, 'Religious Freedom in Kazakhstan: Facing the Kazakhstani Law on Religious Activities and Religious Associations' (2015) 1 Regent Journal of Global Justice and Public Policy 227.

The research questions, therefore, follow from the structure of the problem. The article asks how the interfaces are legally structured, where administrative-offence outcomes are concentrated, and which safeguards would improve predictability without weakening the lawful protection of public order, public health, morals, or others' rights and freedoms.

The argument and results are correspondingly linked. The article shows that the central difficulty is not the absence of a regulatory framework, but the uneven institutionalisation of legal certainty and proportionality at the administrative interface. By connecting the post-2011 legal architecture with corrected 2023 enforcement indicators and selected case-law clusters, it identifies the specific interfaces where compliance-first amendments are most justified for peaceful, first-time, or remediable breaches.

2 MATERIALS AND METHODS

2.1. Design, Sources and Research Questions

The empirical design uses benchmark years within the post-2011 observation window rather than a continuous time series. The selected years serve different legal functions: 2011 is the final pre-re-registration baseline; 2012 is the immediate post-re-registration year; 2017 is an intermediate benchmark after the immediate 2011-2012 re-registration shock and before the complete 2023 Form No. 1-AD outcome structure; and 2023 is the principal complete annual benchmark with verified outcome cells. The non-benchmark years 2013-2016 and 2018-2022 are not treated as irrelevant; they are excluded from the article's principal tables because the purpose is a doctrinally selected benchmark comparison, not continuous econometric trend analysis. Materials for 2024, 2025 and the first quarter of 2026 are used only as current-status snapshots and are not merged into the 2023 annual denominator.

The coding connects each data point to the legal test. Registration and religious education count as the regulated field. Form No. 1-AD is read by outcome category: reviewed proceedings are treated as workload, while penalty rulings, warnings and fines are treated as administrative-offence outcome indicators. Criminal-law materials are separated by procedural stage.

The research questions are supported by three groups of sources: legal texts, official administrative and judicial indicators, and selected domestic case materials. The legal-text group includes the Constitution,² the 2011 Religion Law,³ the Code of Administrative

2 Constitution of the Republic of Kazakhstan (adopted 30 August 1995) <https://adilet.zan.kz/eng/docs/K950001000_> accessed 19 June 2026.

3 Law of the Republic of Kazakhstan No 483-IV 'On Religious Activities and Religious Associations' (adopted 11 October 2011) <<https://adilet.zan.kz/eng/docs/Z1100000483>> accessed 19 June 2026.

Offences,⁴ the Criminal Code,⁵ implementing regulations and public-service materials. The indicator group includes registration data, religious education data, administrative proceedings, and penalties under Articles 489 and 490, warning and fine outcomes, and criminal-law indicators where their procedural meaning is clear.

To avoid ambiguity, the article does not rely on unidentified policy documents. The phrase "implementing regulations and public-service materials" refers principally to Order No. 97 of 31 March 2020⁶ and the related e-government/public-service materials that operationalise missionary registration, religious expertise, and designated-place services; official registration and statistical materials are used only for the specific data points cited.

The domestic case-law sample is purposive and doctrinal. It consists of eight ordinary-court judgments grouped into five clusters, together with one Constitutional Court resolution concerning missionary registration. Cases were included when they concerned one of the analysed interfaces, arose under the relevant religious, administrative, criminal, or education-law rules, contained sufficient reasoning to assess legality, safeguards, and proportionality, and were available through public sources or certified copies.

The analysis separates *de lege lata* from *de lege ferenda*. The *de lege lata* step identifies the applicable domestic rule, the competent authority, the current sanction or remedy, and the available discretion. The *de lege ferenda* step evaluates whether statutes should add cure periods, corrected notification, assessment-on-return, registration facilitation, or staged compliance orders for peaceful, first-time, or remediable non-compliance.

The domestic materials include the Constitutional Court's Normative Resolution No. 67-NP of 26 February 2025⁷ and decisions of the Shu District Court of Zhambyl Region, the Zhambyl Regional Court, the Shymkent Inter-District Specialized Administrative Court, the Shymkent City Specialized Inter-District Administrative Court and the Almaty Specialized Inter-District Economic Court.⁸ Comparative case-law, including decisions of the European Court of Human Rights, is used as persuasive doctrinal guidance.

4 Code of Administrative Offences of the Republic of Kazakhstan No 235-V (adopted 5 July 2014) <<https://adilet.zan.kz/eng/docs/K1400000235>> accessed 19 June 2026.

5 Criminal Code of the Republic of Kazakhstan No 226-V (adopted 3 July 2014) <<https://adilet.zan.kz/eng/docs/K1400000226>> accessed 19 June 2026.

6 Order of the Minister of Information and Social Development of the Republic of Kazakhstan No 97 'On approval of the Rules for the Provision of Public Services in the Field of Religious Activity' (adopted 31 March 2020) <<https://adilet.zan.kz/eng/docs/V2000020256>> accessed 19 June 2026.

7 Normative Resolution No 67-NP 'On Consideration for Conformity with the Constitution of Subparagraph 5) of Article 1 and Paragraph 1 of Article 8 of the Law on Religious Activities and Religious Associations and Part Three of Article 490 of the Code of Administrative Offences Concerning Administrative Liability for Missionary Activity Without Registration' (Constitutional Court of the Republic of Kazakhstan, 26 February 2025) <<https://adilet.zan.kz/kaz/docs/S2500000067>> accessed 19 June 2026.

8 Shu District Court (Zhambyl Region), administrative proceedings concerning Administrative Code arts 489(9), 489(10) and 490(3), judgments of 27 March 2024 and 5 April 2024; Zhambyl Regional

The selection of sources follows the structure required by the subject matter. Statutes and regulations establish legality; international standards and persuasive comparative materials structure the forum internum/forum externum distinction and the proportionality test; administrative data describe the distribution of recorded proceedings and sanction outcomes; and case-law clusters expose the reasoning practices that aggregate numbers cannot show.⁹

Kazakhstan law terminology is used throughout. Missionary activity is governed by registration and annual re-registration; religious events outside cult buildings and listed venues by notification; religious literature by expert assessment, import and designated-place rules; religious associations by state registration as legal entities; and spiritual or religious educational organisations by licensing only where they conduct educational activity regulated by education legislation.

Court, appellate judgments of 30 April 2024 and 2 May 2024; Shymkent Inter-District Specialized Administrative Court, administrative proceedings concerning Administrative Code art 490(1)(3), judgments of 2 August 2022 and 10 November 2022; Shymkent City Specialized Inter-District Administrative Court, administrative proceedings concerning Administrative Code art 490(1)(1), judgment of 22 May 2023; Almaty Specialized Inter-District Economic Court, civil proceedings on liquidation of a Baptist theological seminary under the 2011 Religion Law, judgment of 9 January 2013. Certified copies on file with the authors.

- 9 Official register of religious associations maintained by the competent central authority for religious affairs; Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, Forms 1AD and 1M; Supplementary File 1: Statistical Extraction Log (XLSX), submitted with the manuscript for editorial and reviewer verification. See, Committee on Religious Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan, 'Official Documents, 2011–2026' (*Gov.KZ: The Single Platform of Government Agencies*, 2026) <<https://www.gov.kz/memleket/entities/din/documents/1?lang=ru>> accessed 20 June 2026; Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, 'Statistical Reports, 2011–2026' (*Qamqor: Legal Statistics Portal*, 2026) <<https://qamqor.gov.kz/crimestat/statistics>> accessed 20 June 2026; and Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, 'Form No 1-AD "On the Results of Consideration of Administrative-Offence Cases by Authorised Bodies"' (*Open Data eGov.KZ*, 19 February 2021) <https://data.egov.kz/datasets/view?index=gp_od_service_1ad> accessed 20 June 2026; Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, 'Form No 1-M "On Registered Criminal Offences"' (*Open Data eGov.KZ*, 25 August 2020) <https://data.egov.kz/datasets/view?index=gp_od_service_1m> accessed 20 June 2026; Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, 'Form No 1 "Report on the Work of First-Instance Courts in Criminal Cases"' (*Open Data eGov.KZ*, 26 August 2020) <https://data.egov.kz/datasets/view?index=gp_od_service_1> accessed 20 June 2026; Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, 'Form No 10 "On the Number of Persons in Respect of Whom Judicial Acts Were Issued"' (*Open Data eGov.KZ*, 26 August 2020) <https://data.egov.kz/datasets/view?index=gp_od_service_10> accessed 20 June 2026.

2.2. Current Kazakhstan Legislation and Regulatory Interfaces

Kazakhstan's regulation of religion is structured by several layers of legal authority. The constitutional baseline consists of the principles of secularity, equality before the law, freedom of conscience and the general limitations framework. These provisions do not themselves establish a registration, notification, or licensing procedure, but they define the baseline of legality and proportionality against which statutory and administrative measures must be assessed.

The 2011 Law on Religious Activities and Religious Associations supplies the special statutory framework. It regulates the legal personality of religious associations, missionary activity, religious literature, religious events outside religious buildings and other listed venues, and religious educational organisations. These procedures are kept legally distinct: missionary activity is a registration and annual re-registration regime; public religious events are governed by notification rules; religious literature is regulated through expert assessment, import requirements and designated-place rules; and spiritual or religious educational organisations are subject to licensing only in respect of educational activity regulated by education legislation.¹⁰

Order No. 97 is treated as part of the current law, not as an omitted or absent procedural safeguard. It approves public-service rules for, inter alia, registration and re-registration of persons carrying out missionary activity,¹¹ coordination of the activity of foreign religious associations and appointments by foreign religious centres, approval of locations of special stationary premises for distribution of religious literature and religious items, construction of religious buildings and repurposing buildings into religious buildings.

For missionary registration, the rules identify submission channels through the local executive body, the State Corporation and the e-government portal;¹² provides documentary completeness checks, receipts or refusal to accept incomplete or expired documents, electronic status notifications, suspension where religious-studies expert assessment is required, preliminary refusal notice, the applicant's opportunity to submit objections, and a final certificate or reasoned refusal. They also provide administrative complaint routes, including review by a superior competent body or the body responsible for public-service quality control.

10 'Issuance of a License to Engage in Educational Activities in the Field of Primary, Basic Secondary, General Secondary, Technical and Professional, Post-Secondary Education, Religious Education' (*Electronic Government of the Republic of Kazakhstan: Public services and online information*, 2026) <https://egov.kz/cms/en/services/pre_school/204pass_mon> accessed 19 June 2026.

11 'Missionary Activities' (*Electronic Government of the Republic of Kazakhstan: Public services and online information*, 19 November 2025) <<https://egov.kz/cms/en/articles/religion/missio>> accessed 19 June 2026.

12 'Registration and Reregistration of Missioners' (*Electronic Government of the Republic of Kazakhstan: Public services and online information*, 2026) <https://egov.kz/cms/en/services/pass051_adr> accessed 19 June 2026.

For special stationary premises for religious literature and religious items, Order No. 97 similarly requires an application and supporting justification, internal coordination of the draft decision, a decision or reasoned refusal, electronic delivery through the applicant's personal account and a complaint procedure. The regulatory-gap claim in this article is therefore narrowed: existing public-service rules provide procedural scaffolding; the remaining question is whether the Religion Law and Articles 489 and 490 provide sufficient graduated compliance options before penalties, bans, seizure, or liquidation in low-risk and remediable cases.

Administrative enforcement is primarily governed by Articles 489 and 490 of the Code of Administrative Offences. These provisions are analytically important because they translate breach of specific statutory duties concerning registration, notification, venue, literature or religious-association requirements into warnings, fines, activity bans, or other administrative consequences. The article, therefore, treats Articles 489 and 490 not as a single generic restriction on religion, but as enforcement gateways attached to legally distinct interfaces.

Article 43 of the Code of Administrative Offences is treated as a current-law control on sanction selection. Where the relevant Special-Part provision provides a warning, Article 43 requires application of that warning in the absence of Article 57 aggravating circumstances and the statutory exclusion connected with Article 366. Conversely, where the applicable part provides only a fine, deportation, suspension, prohibition, confiscation, or liquidation is sought in civil proceedings, courts and administrative bodies cannot substitute cure periods, venue adjustment, assessment-on-return or conditional compliance mechanisms unless the legislature creates such powers.

Criminal-law provisions, especially Articles 174 and 405 of the Criminal Code, are treated separately because they concern higher-severity state responses. Registered-offence or prosecution statistics are not equated with convictions.

The resulting problem is one of sanction design and compliance sequencing, not a claim that Kazakhstan lacks any public-service procedure in the field of religion. Articles 3, 7, 8, 9 and 12-15 of the 2011 Religion Law define the interfaces; Order No. 97 and related e-government materials establish public-service rules; Articles 43, 57, 489 and 490 structure administrative sanction selection and enforcement; and criminal-law provisions should remain confined to conduct meeting thresholds of intent, harm and public danger.

2.3. Variables, Coding and Doctrinal Test

The units of analysis are the organisation-year and the code-article-outcome-year aggregate. The organisation-year captures religious associations or religious education institutions at the end of a calendar year. The code-article-outcome-year aggregate captures annual counts of administrative or criminal-law indicators under a specific statutory article and, where available, the outcome of that indicator. The manuscript

distinguishes reviewed administrative proceedings from rulings imposing administrative penalties and from specific sanction types; warnings and fines are reported separately where the outcome structure permits.

The empirical variables are limited to indicators necessary for the legal test: year; denomination; registered religious associations; religious education institutions and enrolment where officially supported; proceedings and penalty rulings under Articles 489 and 490; warnings and fines; descriptive rates per 100 registered associations; criminal-law indicators under Articles 174 and 405; and court statistics where the relevant verdict cells are verified.

For each selected norm or instrument, the study records the legal basis, relevant forum, legitimate aim under Article 18(3) International Covenant on Civil and Political Rights (ICCPR),¹³ foreseeability, procedural safeguards, current-law sanction discretion, and proportionality of legislative design.

Table 1. De lege lata / de lege ferenda limitation matrix¹⁴

Dimension	De lege lata question	De lege ferenda question	Interpretive consequence
Foreseeability	Is the statutory duty sufficiently identifiable for the addressee and the reviewing body?	Should the statutory language or public guidance be clarified to reduce uncertainty?	Low foreseeability supports a legal certainty concern.
Procedural safeguards	Are notice, reasoned refusal, administrative complaint, and judicial review available under current law and implementing rules?	Should publication, templates or disclosure duties be strengthened to improve auditability?	Existing public-service safeguards may answer the de lege lata question; limited statutory remedies may still indicate a reform issue.

13 International Covenant on Civil and Political Rights (ICCPR) (adopted 16 December 1966) [1983] UNTS 999/171.

14 Source: Authors' doctrinal matrix compiled on the basis of the Constitution of the Republic of Kazakhstan (n 2) arts 1(1), 14, 22 and 39; Law of the Republic of Kazakhstan No 483-IV (n 3) arts 3, 7-9, 12-15 and 24; Code of Administrative Offences (n 4) arts 43, 57, 489 and 490; Order of the Minister of Information and Social Development of the Republic of Kazakhstan No 97 (n 6); ICCPR (n 13) art 18(3); UN Human Rights Committee, *General Comment No 22 (48) (art 18) under Article 40, Paragraph 4, of the International Covenant on Civil and Political Rights* (CCPR/C/21/Rev.1/Add.4, 20 July 1993) paras 3 and 8 <<https://docs.un.org/ccpr/C/21/Rev.1/Add.4>> accessed 19 June 2026; OSCE/ODIHR and Venice Commission, *Guidelines for Review of Legislation Pertaining to Religion or Belief* (OSCE 2004); OSCE/ODIHR and Venice Commission, *Guidelines on the Legal Personality of Religious or Belief Communities* (OSCE 2014).

Dimension	De lege lata question	De lege ferenda question	Interpretive consequence
Sanction discretion under current law	What sanction or remedy does the applicable provision allow: warning, fine, deportation, suspension, ban, confiscation, liquidation, or another measure? If a warning is legally available, does Article 43 of the Code of Administrative Offences require or exclude it in light of Article 57 and other statutory conditions?	Should the legislature add a cure period, corrected notification, registration facilitation, assessment-on-return, partial suspension, or another graduated compliance mechanism for peaceful, first-time, or remediable non-compliance?	Current-law sanction choices are assessed de lege lata; absent compliance mechanisms are assessed as legislative reform gaps, not as failures to apply unavailable remedies.
Proportionality of legislative design	Does the current sanction range distinguish minor or remediable breaches from conduct involving coercion, incitement, repeated non-compliance, or concrete public-order risk?	Should the sanction range be recalibrated to include graduated responses before fines, bans, or liquidation?	The analysis concerns statutory proportionality unless case materials show misuse of existing discretion.
Note: The matrix preserves current-law boundaries. Authorities and courts may select only sanctions provided by the applicable provision. Cure periods, assessment-on-return and partial suspension are treated as legislative proposals where current law lacks them. Aggregate warning/fine data do not prove that a fine was unlawfully selected in any individual case; they identify a sanction profile that requires article-specific monitoring and, where justified, legislative recalibration.			

2.4. Comparative and European Methodology

The comparative component is functional. It uses selected European materials as issue-specific comparators for legal personality, missionary registration and proselytism, religious literature, notification and venue rules, worship, and spiritual or religious education within the education-law framework.

European comparators were selected when they concerned an equivalent interface and articulated a standard relevant to legality, foreseeability, neutrality, safeguards, or proportionality. Priority was given to post-socialist, transition, cooperative-secular and religious security contexts.

The European Court of Human Rights is used as a regional doctrinal system, not as a binding law for Kazakhstan. Its role is analytical: it supplies a structured vocabulary for assessing whether restrictions on the forum externum are prescribed by law, pursue a legitimate aim, rest on relevant and sufficient reasons, and remain proportionate.

The selected case-law clusters map onto the Kazakhstani interfaces. Legal personality materials inform the registration analysis;¹⁵ Kokkinakis and Larissis inform missionary registration and proselytism; Manoussakis, Kuznetsov and Barankevich inform worship, venue, and notification questions; Hasan and Chaush, Izzettin Dogan and Sindicatul Pastorul cel Bun inform neutrality; and Ibragim Ibragimov and Taganrog LRO inform religious literature controls.

3 LITERATURE REVIEW

Scholarship on freedom of religion or belief provides the doctrinal starting point for the inquiry. It treats the right both as a rule-of-law guarantee and as a field of institutional tension when courts, administrative bodies and security authorities translate constitutional commitments into enforceable rules. This scholarship supports the premise used below: freedom of religion or belief is the broader category; worship is only a modality of the forum externum; and restrictions on manifestation must satisfy legality, a legitimate aim, and necessity or proportionality.¹⁶

Secularism scholarship then explains the state-structure side of the same problem. Comparative accounts show that secular constitutional orders range from separation to cooperative arrangements and that positive secularity is best understood not as religious privilege, but as neutrality organised through transparent, non-delegating cooperation.

15 W Cole Durham Jr, 'Facilitating Freedom of Religion or Belief through Religious Association Laws' in Tore Lindholm, W Cole Durham Jr and Bahia G Tahzib-Lie (eds), *Facilitating Freedom of Religion or Belief: A Deskbook* (Brill Nijhoff 2004) 321, doi:10.1007/978-94-017-5616-7_15.

16 Rex Ahdar and Ian Leigh, *Religious Freedom in the Liberal State* (2nd edn, OUP 2013) doi:10.1093/acprof:oso/9780199606474.001.0001; Faizan Raza, 'Limitations to the Right to Religious Freedom: Rethinking Key Approaches' (2020) 9(3) Oxford Journal of Law and Religion 435, doi:10.1093/ojlr/rwaa025; Benjamin Schonthal and others, 'Is the Rule of Law an Antidote for Religious Tension? The Promise and Peril of Judicializing Religious Freedom' (2016) 60(8) American Behavioral Scientist 966, doi:10.1177/0002764215613380; Winnifred Fallers Sullivan, 'Religious Freedom and the Rule of Law: Exporting Modernity in a Postmodern World' (2002) 22(2) Mississippi College Law Review 173.

This literature is the reason the article examines administrable interfaces rather than abstract declarations of secularity.¹⁷

Comparative public-law and international-guidance materials translate that conceptual framework into operational criteria. Cooperation remains compatible with neutrality only when access criteria are general, reasons are written, public powers are not delegated to religious associations, and remedies are available. These criteria later become coding variables for the Kazakhstani interfaces: non-delegation, openness of consultation, viewpoint-neutral access, reason-giving, and reviewability.¹⁸

The literature also clarifies why model classification alone does not answer the Kazakhstani question. Neither separationist, cooperative, nor security-administered arrangements are inherently required by the ICCPR. The decisive issue is whether the chosen model regulates external manifestation through content-neutral, foreseeable, non-delegating and proportionate rules. The article, therefore, does not ask whether Kazakhstan should abandon cooperative secularism; it asks whether that cooperation is administered in a way that prevents denominational preference and makes sanction choices legally auditable.

Comparative practice identifies the principal risk that makes an inquiry into the interface necessary. In cooperative systems, consultation, access to closed institutions, public benefits, or expert participation may gradually become informal privileging if criteria, agendas, records, and reasons are unpublished. The risk is heightened where prior-control mechanisms for worship, literature or proselytism are justified by status defects rather than concrete risk. The comparative authorities are therefore used as analytical controls for arbitrariness, not as a blueprint for importing a European model.¹⁹

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- 17 Christian Joppke, *The Secular State under Siege: Religion and Politics in Europe and America* (Polity 2015); Javier Martinez-Torron and W Cole Durham Jr, 'Religion and the Secular State' in Karen B Brown and David V Snyder (eds), *General Reports of the XVIIIth Congress of the International Academy of Comparative Law* (Springer 2012) 1, doi:10.1007/978-94-007-2354-2_1; Andras Sajó, 'Preliminaries to a Concept of Constitutional Secularism' (2008) 6(3-4) *International Journal of Constitutional Law* 605, doi:10.1093/icon/mon018; Monika Wohlrab-Sahr and Christoph Kleine, 'Historicizing Secularity: A Proposal for Comparative Research from a Global Perspective' (2021) 20(3) *Comparative Sociology* 287, doi:10.1163/15691330-bja10035.
- 18 *Kokkinakis v Greece* App no 14307/88 (ECtHR, 25 May 1993) <<https://hudoc.echr.coe.int/eng?i=001-57827>> accessed 19 June 2026; *Hasan and Chaush v Bulgaria* App no 30985/96 (ECtHR, 26 October 2000) <<https://hudoc.echr.coe.int/eng?i=001-58921>> accessed 19 June 2026; *Metropolitan Church of Bessarabia and Others v Moldova* App no 45701/99 (ECtHR, 13 December 2001) <<https://hudoc.echr.coe.int/eng?i=001-59985>> accessed 19 June 2026; *Izzettin Dogan and Others v Turkey* App no 62649/10 (ECtHR, 26 April 2016) <<https://hudoc.echr.coe.int/eng?i=001-162697>> accessed 19 June 2026; OSCE/ODIHR and Venice Commission(n 14).
- 19 *Manoussakis and Others v Greece* App no 18748/91 (ECtHR, 26 September 1996) <<https://hudoc.echr.coe.int/eng?i=001-58071>> accessed 19 June 2026; *Kuznetsov and Others v Russia* App no 184/02 (ECtHR, 11 January 2007) <<https://hudoc.echr.coe.int/eng?i=001-78982>> accessed 19 June 2026; *Sindicatul 'Pastorul cel Bun' v Romania* App no 2330/09 (ECtHR, 9 July 2013) <<https://hudoc.echr.coe.int/eng?i=001-122763>> accessed 19 June 2026; *Izzettin Dogan and Others v Turkey* App no 62649/10 (ECtHR, 26 April 2016) <<https://hudoc.echr.coe.int/eng?i=001-162697>> accessed 19 June 2026.

Post-Soviet and Central Asian scholarship provides the regional setting for that interface analysis. It describes the shift from atheist legalism to pragmatic cooperative regulation, the post-2011 legal architecture, and Kazakhstan's use of dialogue mechanisms in a multiconfessional environment.²⁰ Much of the literature remains at the level of model, policy, or institutional description. The remaining gap is the one addressed in the results section: the five interfaces are not yet sufficiently connected to the ICCPR limitation structure, official administrative-offence outcomes, and case-based analysis of legally available sanction choices.²¹

4 RESULTS

The results are organised to answer the questions posed in the Introduction. Section 4.1 establishes the regulated field and the corrected administrative-offence denominator. Sections 4.2 and 4.3 then show where enforcement outcomes and case-law clusters reveal the limits of the current sanction architecture. Section 4.4 explains why benchmark years and current-status snapshots are kept methodologically distinct, and Section 4.5 connects the empirical and doctrinal findings to the reform analysis in the Discussion.

4.1. Registration Landscape and Religious Education

At the end of 2023, Kazakhstan recorded 3,977 registered religious associations across 18 denominations. Islamic associations formed the largest group, alongside Orthodox, Catholic, Protestant/Evangelical, Jehovah's Witness, New Apostolic and other communities. The label "Protestant/Evangelical" is used as the authors' descriptive aggregation of separately reported official denominations; the denomination-level cells are recorded in Supplementary File 1. The registered field is concentrated but not mono-confessional, and the counts provide denominators for the descriptive administrative rates below.

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- 20 Alicja Curanovic, 'The Post-Soviet Religious Model: Reflections on Relations between the State and Religious Institutions in the CIS Area' (2013) 41(3) *Religion, State & Society* 330, doi:10.1080/09637494.2013.843122; S Frederick Starr, Svante E Cornell and Julian Tucker, *Religion and the Secular State in Kazakhstan* (Central Asia-Caucasus Institute & Silk Road Studies Program 2018); Yuliya V Shapoval, 'The Model of the Secular State and the Politics of Secularism in Kazakhstan: Modern Challenges' (2020) 24 *Relihiina svoboda* 65, doi:10.32420/rs.2020.24.2111.
- 21 Yermek Buribayev and others, 'Strategic Development and Comprehensive Guidelines for State Policy in Kazakhstan's Religious Sphere' (2024) 5(3) *International Journal of Religion* 40, doi:10.61707/77nmvb36; Ilyas E Iskakova and others, 'The Legal Framework of the Operation of Religious Associations in the Republic of Kazakhstan' (2016) 7(7) *Journal of Advanced Research in Law and Economics* 1700; Rashid A Podoprighora and Nargis Kassenova, 'State and Religious Associations in Kazakhstan: Legal Regulation and Political Context' (2017) 18(4) *Central Asia and the Caucasus* 75; Ernar Toilybekova and others, 'Legal Regulation of Confessional Relations in Kazakhstan' (2024) 105(3) *Pharos Journal of Theology* 1, doi:10.46222/pharosjot.105.37.

Table 2. Corrected empirical baseline and enforcement indicators, 2023²²

Indicator	Corrected value	Analytical use in this article
Registered religious associations	3,977 registered religious associations. The label “Protestant/Evangelical” is an authors’ descriptive aggregation of separately reported denominations; the denomination-level cells appear in Supplementary File 1.	Denominator for descriptive administrative-penalty rates.
Religious education institutions ²³	14 religious educational institutions. Student enrolment is reported where the official annual source identifies it. ²⁴	Describes the regulated religious education field without treating religious activity itself as licensed activity.
Administrative proceedings reviewed under Articles 489 and 490	279 reviewed proceedings: 60 under Article 489 and 219 under Article 490.	Procedural workload indicator: penalty rulings are reported separately.
Rulings imposing administrative penalties under Articles 489 and 490	206 penalty rulings: 49 under Article 489 and 157 under Article 490. Article 490 accounts for 76.2% of penalty rulings. The combined rate is approximately 5.2 penalty rulings per 100 registered religious associations; the Article 490 rate is approximately 3.9 per 100 registered religious associations.	Principal descriptive administrative penalty-ruling indicator.

22 Source: Committee on Religious Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan; Committee on Legal Statistics and Special Records of the General Prosecutor’s Office of the Republic of Kazakhstan, ‘Form No 1-AD, 2023’ annual return, columns 9-11; ‘Form No 1-M, 2023’ annual return; and Supplementary File 1 submitted with the manuscript (n 9).

23 ‘Registered Spiritual (Religious) Educational Organisations’ (*Open Data eGov.KZ*, 24 January 2018) <https://data.egov.kz/datasets/view?index=tirkelgen_dini_birlestikterdin> accessed 19 June 2026.

24 Committee on Religious Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan, ‘Religious and Religious Studies Education’ (*Gov.KZ: The Single Platform of Government Agencies*, 2026) <<https://www.gov.kz/memleket/entities/akk/activities/1800>> accessed 19 June 2026.

Indicator	Corrected value	Analytical use in this article
Warnings and fines under Articles 489 and 490	Article 489: 1 warning and 48 fines. Article 490: 157 fines and no warnings. Total: 1 warning and 205 fines. Warnings account for approximately 0.5% of penalties and fines for approximately 99.5%.	Shows a fine-dominant sanctioning profile and supports monitoring of warning/fine choices and compliance-first reform options.
Criminal-law indicators under Articles 174 and 405	Form No. 1-M entries are reported, if at all, as registered-offence or prosecution stage indicators. Article-specific judicial verdict cells were not verified for this revision.	Keeps criminal-law analysis aligned with the verified source structure.

Table 2 separates reviewed proceedings from penalty rulings. Form No. 1-AD, column 9, is the principal administrative outcome indicator; columns 10 and 11 distinguish warnings and fines.

The corrected 2023 cross-section shows 206 rulings imposing administrative penalties under Articles 489 and 490, rather than 279 penalties. Article 490 accounts for 157 of 206 penalty rulings, or 76.2%. The outcome structure is fine-dominant, with one warning and 205 fines.

Article 490 covers heterogeneous statutory duties, so the aggregate count is read through the separate interfaces supplied by the 2011 Religion Law, education legislation, and implementing rules.

Later official materials update the current institutional context. They show continued operation of the same interfaces, including registration, missionary activity, religious expertise, and religious education, and remain separate from the 2023 annual outcome denominator.

4.2. Current-Law Outcome and de Lege Ferenda Interface Assessment

Table 3. Domestic case-law clusters: current-law outcome and de lege ferenda reform issue²⁵

Case-law cluster	Current-law classification	Domestic-law outcome	Current-law boundary	De lege ferenda issue
V1 Missionary registration	Administrative liability for missionary activity without registration under Article 490. The Constitutional Court has confirmed the constitutional validity of the missionary registration model as such.	Fine imposed and upheld on appeal.	Article 490 was applied under current law; warning analysis depends on Article 43/57 conditions in the individual file, and registration facilitation would require express statutory basis.	Whether Article 490 should provide a warning or registration facilitation mechanism for first-time, peaceful, and remediable non-registration, absent coercion, incitement, or concrete public-order risk.
V2 Religious literature	Administrative liability for breach of expert assessment, import or designated-place rules.	Fine and ancillary measures as provided by the relevant provision.	Expert assessment remains part of current law; assessment-on-return requires legislative authorisation, and the article does not treat absence of that mechanism as judicial error.	Whether legislation should allow information notice, temporary storage, assessment-on-return, or warning for non-extremist materials before fine, seizure, or activity ban in minor or remediable cases.

²⁵ Source: Authors' synthesis of the domestic case-law sample cited in notes 19-23 and analysed against the current-law framework established by the Law of the Republic of Kazakhstan No 483-IV (n 3) arts 7, 8, 9 and 24; the Code of Administrative Offences (n 4) arts 489 and 490; Order of the Minister of Information and Social Development of the Republic of Kazakhstan No 97 (n 6); and Normative Resolution No 67-NP (n 7). Certified copies of the ordinary-court judgments are on file with the authors; case numbers and proceedings numbers are supplied in the corresponding case notes.

Case-law cluster	Current-law classification	Domestic-law outcome	Current-law boundary	De lege ferenda issue
V3 Unregistered religious association	Administrative liability for leadership or participation in an unregistered religious community under Article 489.	Fines imposed and upheld.	The analysed Article 489 parts are treated as fine-only; warning or rectification would require amendment, so the issue is statutory design rather than non-use of an unavailable remedy.	Whether the sanction design should distinguish peaceful first-time collective worship from repeated, organised, or harmful evasion of registration duties.
V4 Event/venue rules	Administrative liability connected with venue/status or notification rules.	Fine and temporary ban imposed.	The final domestic judgment is treated as the current-law outcome; relocation or corrected notification mechanisms require statutory basis if not already available under the relevant public-service rule.	Whether legislation should require prior written correction or relocation opportunities where the defect is remediable and no concrete disturbance is shown.
V5 Re-registration/liquidation	Civil liquidation for failure to comply with post-2011 re-registration or constituent-document requirements under Article 24 of the Religion Law.	Liquidation ordered.	Article 24 and applicable civil procedure define the remedies available to the court; staged cure requires legislative amendment unless already permitted by procedural law.	Whether Article 24 should include a cure period or staged compliance mechanism before liquidation for remediable defects, unless immediate public-order or extremism-related risks are present.

Table 3 links each case-law cluster to its current-law classification, domestic-law outcome and de lege ferenda reform issue. The table does not assert that final domestic judgments were unlawful. It asks whether the statutory architecture gives decision-makers sufficiently graduated options for peaceful, first-time, or remediable breaches.

Across the selected clusters, legal bases, public-service routes, and review channels were generally in place. The recurring issue is therefore not the absence of any procedure but the limited statutory room for compliance-first responses in peaceful, first-time, or remediable cases.

4.3. Domestic Case-Law Sample and Access-to-Justice Implications

The case-law clusters are used to analyse current-law reasoning, not to relitigate final domestic decisions. The article does not contend that the judgments were unlawful, unfounded, or procedurally invalid; it treats them as evidence of how the current sanction and remedy architecture operates. They follow Kazakhstan's legal categories: missionary registration and annual re-registration; notification of religious events outside listed venues; expert assessment, import, and designated-place rules for literature; and licensing of educational activity when spiritual or religious educational organisations conduct such activity.

Case C0: constitutional review of missionary registration. In Normative Resolution No. 67-NP of 26 February 2025, the Constitutional Court examined the statutory definition of missionary activity, the requirement of prior registration for missionary activity, and administrative liability under Article 490(3).²⁶ The Court recognised the challenged provisions as constitutional. C0 confirms the current-law validity of missionary registration and frames the remaining issue as one of reasoned individual application.

Case V1: missionary registration. The courts imposed and upheld a fine of 100 monthly calculation indices for missionary activity without registration in connection with an unregistered home congregation. The reform issue is whether Article 490 should permit warning and registration facilitation for first-time, peaceful, and remediable non-registration where no coercion, incitement, abuse of vulnerability or concrete public-order risk is shown.²⁷

Case V2: distribution of religious literature. Two Shymkent cases concerned Arabic-language religious books transported without prior expert assessment and outside the statutory import or designated-place framework.²⁸ The courts imposed fines and three-

26 'Missionary activities' (n 11).

27 Shu District Court (Zhambyl Region), administrative proceedings concerning Administrative Code art 490(3), judgment of 27 March 2024; Zhambyl Regional Court, appellate judgment of 30 April 2024 (case numbers not published; certified copies on file with the authors).

28 Committee on Religious Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan, 'Religious Expertise' (Gov.KZ: *The Single Platform of Government Agencies*, 2026) <<https://www.gov.kz/memleket/entities/din/activities/879>> accessed 19 June 2026.

month activity bans, while the judgments described no extremist finding. The reform issue is whether non-extremist and remediable materials should first trigger temporary storage, information notice, or an assessment on return.²⁹

Case V3: registration and leadership of an unregistered association. The courts upheld fines for leadership of and participation in an unregistered religious community. The reform issue is whether Article 489 should distinguish peaceful first-time collective worship from repeated, organised, or harmful evasion of registration duties and allow warning-or-cure where the defect is remediable.³⁰

Case V4: public religious event in a deregistered mosque.

The specialised administrative court imposed a fine and a three-month ban on the use of a deregistered mosque for religious activities. The reform issue is whether remediable venue or notification defects should be addressed through corrected notification, renewed registration, relocation, or limited-use mechanisms before sanctions are imposed, where no concrete disturbance is established.³¹

Case V5: re-registration and liquidation of a religious legal entity. A Baptist seminary was liquidated after non-compliance with post-2011 re-registration and constituent-document requirements. The reform issue is whether Article 24 should provide a cure period or a staged compliance order before liquidation for remediable defects, unless the violation involves extremism, incitement, repeated refusal to comply or another immediate legal threat.³²

No case cluster is used to infer that a court or authority should have applied a measure absent from the applicable provision. Where the proposed warning, cure period, assessment-on-return, relocation, registration facilitation, or staged compliance mechanism is unavailable under current law, it is classified as a legislative reform issue rather than a current-law adjudicative error.

29 Shymkent Inter-District Specialized Administrative Court, administrative proceedings concerning Administrative Code art 490(1)(3), judgments of 2 August 2022 and 10 November 2022 (case numbers not published; certified copies on file with the authors).

30 Shu District Court (Zhambyl Region), administrative proceedings concerning Administrative Code arts 489(9) and 489(10), judgment of 5 April 2024; Zhambyl Regional Court, appellate judgment of 2 May 2024 (case numbers not published; certified copies on file with the authors).

31 Shymkent City Specialized Inter-District Administrative Court, administrative proceedings concerning Administrative Code art 490(1)(1), judgment of 22 May 2023, concerning use of a deregistered mosque for religious activity; private-party name, case number and unnecessary identifying details omitted; certified copy on file with the authors.

32 Almaty Specialized Inter-District Economic Court, civil proceedings on liquidation of a Baptist theological seminary under the 2011 Religion Law, judgment of 9 January 2013 (case number not published; certified copy on file with the authors).

4.4. Selected benchmark years and current official snapshots

The benchmark year panel shows a sharp reduction between 2011 and 2012 following the re-registration process introduced by the 2011 Religion Law, followed by a gradual recovery, as evidenced by the 2017 intermediate count of 3,658 and the 2023 count of 3,977. The year 2017 is included only as an interim check between the immediate post-2011 transition and the complete 2023 outcome structure; it is not presented as a replacement for a full annual series. The 2024, 2025 and first-quarter 2026 materials are presented separately as current-status snapshots.³³

Table 4. Selected benchmark years and later official snapshots³⁴

Benchmark year	Selection rationale	Verified data	Methodological status
2011	Pre-re-registration baseline.	Registered religious associations: 4,551.	Historical benchmark.
2012	Immediate post-re-registration benchmark.	Registered religious associations: 3,088.	Historical benchmark.
2017	Intermediate post-re-registration benchmark after the immediate 2011-2012 shock and before the verified 2023 outcome structure.	Registered religious associations: 3,658. Article/outcome cells checked; not used as a continuous annual trend.	Intermediate benchmark.
2023	Complete annual year with verified Form No. 1-AD outcome structure.	206 penalty rulings: 49 under Article 489 and 157 under Article 490; one warning and 205 fines.	Principal annual benchmark.
2024-2026	Current-status snapshots.	2024 Q4, 2025 Q4 and Q1 2026 snapshots.	Snapshot only.

33 Committee on Religious Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan, 'Religious Sphere' (*Gov.KZ: The Single Platform of Government Agencies*, 2026) <<https://www.gov.kz/memleket/entities/din/activities/141?lang=en>> accessed 19 June 2026.

34 Source: Committee on Religious Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan; Committee on Legal Statistics and Special Records of the General Prosecutor's Office, Qamqor Legal Statistics Portal and Open Data datasets; and Supplementary File 1 submitted with the manuscript (n 9).

The benchmark pattern clarifies the normative claim. The corrected 2023 data identify Article 490 as the main source of penalty rulings and show a fine-dominant profile. These aggregate data do not indicate whether Article 43/57 exclusions existed in any individual file; they support targeted monitoring of warning/fine choices and statutory-compliance-first mechanisms for low-risk cases.

4.5. Synthesis of Results

Empirically, the results show a stable and diverse field of registered religious actors and a corrected 2023 administrative-penalty profile concentrated in Article 490. Doctrinally, they show that procedural predictability and graduated-sanctions design are the most actionable reform points.

These findings support a narrow reform conclusion. The practical insufficiency lies in the gap between formal legality and the administrability of the proportionality of the sanction architecture, rather than in the invalidity of the selected domestic judgments. Current legislation should more clearly distinguish peaceful, first-time, and remediable non-compliance from repeated or harmful conduct and make compliance-first mechanisms available where appropriate.

5 DISCUSSION

5.1. Secular principles and state-religion interfaces

The corrected empirical and benchmark tables carry the results into the normative analysis. They identify a stable denominator after the post-2011 re-registration breakpoint, concentration of administrative penalty rulings under Article 490 in 2023 and a fine-dominant sanctioning profile. Read with the case-law sample, these findings justify procedural and legislative reform rather than general deregulation or a finding that final domestic judgments were unlawful.³⁵

The implication is procedural rather than ideological. The findings support codifying open and transparent dialogue, uniform access criteria, non-delegation of public powers to religious associations, written reasons, and review. These measures preserve secular neutrality while improving foreseeability and equal treatment.

35 MT Abdikakimov and MS Karibayev, 'Correlation of Religious and Secular Values in Kazakhstan Society' (2024) 88(1) The Journal of Psychology & Sociology 110, doi:10.26577/JPsS.2024.v88.i1.09.

5.2. Comparative synthesis: what the European materials add

The comparative analysis identifies a methodological lesson rather than a model for transplantation. European practice is plural, but the selected Article 9 materials consistently emphasise the quality of law, neutrality of the decision-maker, clear access criteria, specific reasons, effective review, and proportionality.

State neutrality is used here in a procedural rather than anti-religious sense. It prohibits the state from determining religious truth, ranking confessions, or using religious status as a proxy for legal entitlement. Comparable actors should be assessed under the same access conditions, evidentiary thresholds, and remedial sequence.

Because Article 490 is the principal source of the 2023 penalty rulings, comparators concerning prior administrative control, worship venues, notification systems, and religious literature are particularly significant. They support published criteria, written reasons, non-delegation, effective review, and reasoned selection among legally available sanctions.

5.3. Administrative enforcement and the forum externum

Administrative penalty practice, measured by rulings imposing administrative penalties, is the principal observable enforcement channel in the corrected 2023 data. Because Article 490 is dominant, the analysis focuses on missionary registration, notification and venue requirements, expert assessment, import and designated-place rules for religious literature.

For missionary registration, literature and notification rules, the most effective reforms are publication and updating of criteria and venue lists, explicit venue or time reasoning where the applicable law permits it, careful recording of the statutory basis for any fine or warning, and legislative consideration of cure periods or corrected notification mechanisms for low-risk cases.

The fine-dominant outcome structure is not used here as proof that courts or authorised bodies unlawfully preferred fines to warnings. Article 43 requires a warning only where the relevant Special-Part provision provides one, and Article 57 or Article 366 exclusions are absent. Because aggregate Form No. 1-AD data do not disclose those circumstances for each file, the article confines its statistical inference to monitoring and legislative design review.

Order No. 97 also narrows the reform claim. The public-service rules already contain procedural elements, documents, submission channels, deadlines, preliminary refusal, objections, reasoned refusal, and complaint routes for several religious-sphere services. The recommended changes, therefore, concern the auditability of reasons and the addition of substantive compliance-first mechanisms, where current statutory sanctions move directly from breach to fine, ban, seizure, or liquidation.

5.4. Religious security and the criminal law

Form No. 1-M is used to indicate the registered offence or prosecution stage. Conviction-level claims require article-specific judicial verdict cells, so the criminal-law discussion remains doctrinal and focused on precise thresholds, concrete harm analysis, and strict proportionality.

A clearer doctrinal distinction between internal belief and regulable manifestation would reduce the risk that administrative uncertainty migrates into criminal-law reasoning and would strengthen state neutrality in a multiconfessional setting.³⁶

5.5. Normative analysis and proposals: de lege lata and de lege ferenda

The normative analysis separates the applicable de lege lata framework from de lege ferenda proposals tailored to Kazakhstan's constitutional and statutory order.

The proposals derive from the corrected 2023 outcome profile and the case-law clusters: a fine-dominant sanction pattern, limited room for compliance-first responses and recurring uncertainty at the boundary between formal breach and proportionate statutory design. The fine-dominant outcome profile is used as a signal for legal-design review, not as proof that courts or bodies misapplied Article 43 in any individual case.

De lege lata, Kazakhstan's constitutional and statutory framework establishes a secular, rule-of-law state, guarantees freedom of conscience and prohibits discrimination on grounds including attitude to religion.³⁷ The 2011 Religion Law supplies the special framework for religious-association registration, missionary registration and re-registration, religious literature, religious events outside listed venues and spiritual or religious educational organisations. Articles 489 and 490 of the Code of Administrative Offences and Articles 174 and 405 of the Criminal Code provide the principal enforcement provisions.³⁸ Regulation of external manifestation should be read consistently with Article 18(3) ICCPR: the measure must be prescribed by law, pursue an enumerated legitimate aim and be necessary and proportionate.³⁹

36 Gilimbek Mazhiyev, Rakhymzhan Rashimbetov, and Nurlan Kairbekov, 'Religious Orientations on Attitude toward a Secular State: Case of Evangelical Lutheran Churches in North Regions of Kazakhstan' (2024) 105(3) *Pharos Journal of Theology* 1, doi:10.46222/pharosjot.105.311.

37 Constitution of the Republic of Kazakhstan (n 2) arts 1(1), 14, 22 and 39. Article 1(1) proclaims Kazakhstan a democratic, secular, legal and social state; Article 14 guarantees equality before the law and prohibits discrimination, including on grounds of attitude to religion; Article 22 guarantees freedom of conscience; Article 39 sets the general constitutional framework for limitations on rights and freedoms.

38 Law of the Republic of Kazakhstan No 483-IV (n 3) preamble and arts 3, 7-9 and 12-15; Code of Administrative Offences (n 4) arts 489-490; Criminal Code (n 4) arts 174 and 405.

39 ICCPR (n 13); UN Human Rights Committee, *General Comment No 22 (48) (art 18)* (n 14) paras 3 and 8.

In Normative Resolution No. 67-NP of 26 February 2025, the Constitutional Court reviewed subparagraph 5) of Article 1 and paragraph 1 of Article 8 of the 2011 Religion Law, together with part three of Article 490 of the Code of Administrative Offences and recognised the challenged provisions on missionary activity without registration as consistent with the Constitution. The resolution confirms the constitutional permissibility of missionary registration and leaves individual applications under Article 490 to be assessed on the basis of statutory basis, foreseeability, concrete risk, necessity, and current-law sanction choice.

De lege lata also includes Order No. 97. Its annexed public-service rules set the relevant documents, service providers, submission channels, service time limits, preliminary refusal notices, objection opportunities, reasoned refusals, and administrative complaint routes for religious-sphere public services. This existing procedural layer means that the article's reform proposals are not premised on the absence of service regulation; rather, they are premised on the limited availability of substantive cure mechanisms and the need for more auditable reasons for sanction selection.

5.5.1. Proposed legislative amendments

The de lege ferenda proposals are formulated as five targeted amendments to the sanction and compliance architecture.

Article 490 of the Code of Administrative Offences should be supplemented by a note or additional part providing that, for a first-time violation of missionary registration requirements by a citizen or resident where the conduct is peaceful, non-coercive and free from incitement, abuse of vulnerability or concrete public-order risk, the competent body or court may, where the amended sanction permits and Article 43 conditions are met, impose a warning and set a short period for registration or cessation of the relevant missionary activity. A fine should remain available for repeated non-compliance, refusal to regularise, foreign-citizen cases where the statute so provides, or conduct involving concrete risk.

Article 489, parts 9 and 10, should allow a warning-or-cure period for peaceful first-time leadership of, or participation in, an unregistered religious community where the defect is remediable and no coercion, incitement, violence, or public-order disturbance is established. The amendment would preserve the registration requirement while creating a compliance-first sequence before monetary liability in low-risk cases.

Articles 7 and 7-1 of the Religion Law should be supplemented by an express corrected notification mechanism. Where a notice for a religious event outside listed venues is deficient, the authority should issue a written explanation of the defect and allow a corrected notification unless the event poses an immediate and substantiated risk to public order, safety, health, or others' rights.

Article 9 of the Religion Law and the related administrative provisions on religious literature should be supplemented by a temporary storage and assessment-on-return mechanism for

non-extremist materials imported or transported without prior expert assessment. Fine, seizure, destruction, or activity bans should be reserved for prohibited content, repeated non-compliance, refusal to submit materials for assessment or cases involving concrete risk.

Article 24 of the Religion Law should be amended to introduce a staged response before liquidation of a religious legal entity for remediable constituent-document or re-registration defects. The court should be empowered to grant a cure period, require submission of corrected documents, or suspend only the legally defective activity before ordering liquidation, unless the violation involves extremism, incitement, repeated refusal to comply or another immediate threat recognised by law.

These amendments would preserve mandatory registration, missionary registration, expert assessment, notification, and licensing of educational activity while adding a statutory bridge between breach and sanction in peaceful, first-time, and remediable cases.

The amendments are addressed to the legislature. They do not ask courts or administrative bodies to apply rectification, conditional compliance, assessment-on-return, or partial suspension under current law when those measures are not provided for in the applicable article.

In addition to article-specific amendments, the 2011 Religion Law and Order No. 97 implementation templates should include a concise neutrality-and-dialogue clause requiring published access criteria, non-delegation of public powers, written reasons, and administrative and judicial review. A decision-making template should require the precise domestic rule, the Article 18(3) aim pursued, the facts establishing necessity and the reason for selecting the legally available sanction.

The proposals also have a future-oriented function. Digital public administration, online religious communication, and cross-border dissemination of religious materials will make missionary communication, literature circulation, and public manifestation increasingly difficult to manage through older venue-based concepts. Published criteria and reasoned decisions would help distinguish genuine security risks from ordinary religious communication.

6 CONCLUSION

This article examined how Kazakhstan's secular constitutional framework mediates freedom of religion or belief across legally distinct administrative interfaces. The 2023 Form No. 1-AD data, read by penalty rulings rather than total reviewed proceedings, show 206 rulings imposing administrative penalties under Articles 489 and 490: 49 under Article 489 and 157 under Article 490. The sanctioning structure is fine-dominant, with one warning and 205 fines. These figures do not establish that fines were unlawfully preferred in any individual case; they identify the interfaces where legality, foreseeability, reasons, review, and proportionality of statutory design should be strengthened.

The normative conclusion is that the existing sanction and compliance architecture should be more graduated for peaceful, first-time, or remediable breaches in the religious sphere. The appropriate reform is legislative and procedural: clearer statutory criteria, precise public-service references, article-specific statistical sourcing, reasoned sanction selection within current-law limits and compliance-first mechanisms before fines, bans or liquidation in low-risk cases.

The comparative and European analyses support the same interface-level safeguards for legal personality, missionary registration, notification and venue requirements, religious-material controls, religious education within the education-law framework, and state-religion dialogue. These safeguards remain grounded in Kazakhstan's constitutional order, current statutory limits, and the binding ICCPR framework.

Targeted amendments to Articles 489 and 490 of the Code of Administrative Offences and Articles 7, 8, 9 and 24 of the Religion Law would consolidate secular neutrality by making the transition from breach to sanction more foreseeable, reviewable, and proportionate.

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Keywords: *freedom of religion or belief; Article 18 ICCPR; administrative enforcement; legal certainty; state-religion interfaces; missionary registration.*

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

ДЕРЖАВНЕ РЕГУЛЮВАННЯ СФЕРИ РЕЛІГІЇ У СВІТСЬКІЙ ДЕРЖАВІ: ПРАВИЛА ВЗАЄМОДІЇ ДЕРЖАВИ ТА РЕЛІГІЇ В КАЗАХСТАНІ ТА РЕФОРМИ, ЗАСНОВАНІ НА ДОКАЗОВИХ ДАНИХ

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АНОТАЦІЯ

Вступ. Конституція Республіки Казахстан гарантує свободу совісті та свободу релігії або переконань, а також закріплює світський характер держави. У статті досліджується адміністративно-правове забезпечення реалізації цієї конституційної гарантії у п'яти сферах державно-релігійних відносин: реєстрація релігійних об'єднань; реєстрація та перереєстрація осіб, які провадять місіонерську діяльність; проведення релігієзнавчої експертизи релігійної літератури та дотримання вимог щодо її поширення у спеціально визначених для цього місцях; повідомлення про проведення релігійних заходів поза культовими будівлями та іншими визначеними законом місцями; регулювання діяльності духовних або релігійних закладів освіти лише в тій частині, у якій вони здійснюють освітню діяльність, що підпадає під дію законодавства про освіту.

Методи. У статті поєднано доктринальний аналіз із дослідженням окремих адміністративних і судових показників у межах періоду нормативно-правового регулювання, що бере початок у 2011 році. Базовими для аналізу визначено 2011, 2012, 2017

і 2023 роки, тоді як пізніші офіційні матеріали за 2024, 2025 роки та перший квартал 2026 року розглядаються як актуальні дані, що відображають сучасний стан правового регулювання. Джерельну базу правового аналізу становлять Конституція Республіки Казахстан, Закон Республіки Казахстан «Про релігійну діяльність та релігійні об'єднання» 2011 року, адміністративне та кримінальне законодавство, підзаконні нормативно-правові акти, прийняті на виконання цього Закону, стаття 18 Міжнародного пакту про громадянські і політичні права, окремі рішення національних судів, нормативна постанова Конституційного Суду Республіки Казахстан, а також релевантні порівняльно-правові матеріали.

Результати та висновки. У 2023 році в Республіці Казахстан налічувалося 3 977 зареєстрованих релігійних об'єднань. Згідно з даними форми № 1-АД, за статтями 489 та 490 Кодексу Республіки Казахстан про адміністративні правопорушення винесено 206 постанов про накладення адміністративних стягнень: 49 постанов за статтею 489 та 157 — за статтею 490. Таким чином, на статтю 490 припадає 76,2 % таких постанов. У структурі застосованих адміністративних стягнень переважають штрафи: винесено одне попередження та накладено 205 штрафів. У статті зроблено висновок, що мирні, уперше вчинені або такі, що можуть бути усунені, порушення у релігійній сфері потребують запровадження більш диференційованої та поетапної системи заходів для забезпечення дотримання законодавства, яка має передувати накладенню штрафів, встановленню заборон, вилученню майна, відмові в реєстрації чи погодженні, зупиненню діяльності або ліквідації.

Ключові слова. Свобода релігії або переконань; стаття 18 Міжнародного пакту про громадянські і політичні права (ICCPR); адміністративне правозастосування; правова визначеність; взаємодія держави та релігійної сфери; реєстрація місіонерів.