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ADMINISTRATIVE ACTS OF EXECUTIVE AUTHORITIES IN THE REPUBLIC OF KAZAKHSTAN WITHIN THE SYSTEM OF NON-REGULATORY ACTS: A THEORETICAL AND DOCTRINAL INQUIRY

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This paper examines administrative acts of the executive authorities of the Republic of Kazakhstan as the principal category of non-regulatory legal acts. It explores their defining features, functions, and place within the system of individual legal regulation.

Administrative acts are considered as a relatively recent institution of Kazakh administrative law, formally introduced with the adoption of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan on 29 June 2020. The study is situated within the broader development of administrative procedural legislation and the continuing institutionalization of administrative procedures.

The analysis addresses the role of administrative acts within the system of non-regulatory acts and their importance for ensuring legality and procedural certainty. Particular attention is paid to their function as legal instruments through which public authority is exercised, and statutory provisions are applied in specific cases.

The findings support the view that the administrative act occupies a central position among non-regulatory acts of executive authorities and serves as a key mechanism for the implementation of public power in individual legal relations.

Keywords: administrative act; non-regulatory act; executive decision; executive authorities; administrative procedure; Republic of Kazakhstan.

Introduction

The contemporary legal order of the Republic of Kazakhstan is undergoing a phase of institutional transformation characterized by the modernization of public administration and the progressive entrenchment of procedurally structured forms of exercising public authority. A central dimension of this transformation is the consolidation of the administrative act as an autonomous category of non-regulatory measures adopted by executive authorities. Within the architecture of public law, administrative acts function as the principal instrument of individualized legal regulation and the primary vehicle through which executive power produces binding legal effects in concrete cases. They combine adjudicative application of statutory norms with managerial implementation, thereby occupying a pivotal position in the system of administrative governance.

Prior to the enactment of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan on 29 June 2020 [1], both doctrinal discourse and administrative practice relied on a heterogeneous set of terms – such as "individual decision", "order", "directive" or "resolution". These categories were employed descriptively and institutionally, yet their legal nature remained conceptually fragmented and was not embedded in a coherent theoretical framework [1]. The codification of administrative procedure introduced a unified understanding of the administrative act as the formal outcome of an administrative procedure, thereby reconfiguring the normative landscape. This development signified a paradigmatic shift from a departmental, command-oriented model of governance toward a procedural state grounded in legality, transparency, reason-giving, and the protection of individual rights – an evolution consistent with broader tendencies in comparative administrative law.

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The relevance of the present study stems from the fact that within contemporary Kazakh administrative law the administrative act represents a relatively recent doctrinal construct integrated into the broader system of non-regulatory acts. The introduction of the administrative act into the positive law framework has prompted renewed attention from both scholars and practitioners. Its appearance as a formally recognized legal construct has made it necessary to move beyond descriptive references and to develop a coherent understanding of its doctrinal contours, practical functions, and place among other individualized instruments of executive authority. The issue at hand extends well beyond questions of terminology. It concerns a more fundamental reconsideration of the modalities through which public power is exercised, structured and limited. A more precise conceptual framing of the administrative act has direct implications for the quality of governance: it affects administrative efficiency, the degree of legal predictability, and the tangible effectiveness of procedural guarantees that underpin contemporary systems of administrative justice.

This study is designed to provide a systematic analysis of the legal characteristics, functional dimensions, and normative positioning of administrative acts adopted by executive bodies of the Republic of Kazakhstan. Particular emphasis is placed on their correlation with other non-regulatory measures and on their distinctive capacity to produce individualized legal effects in the external sphere. The central premise guiding the inquiry is that the administrative act should be understood not simply as a technical form of decision-making, but as a structurally significant component of the current model of administrative governance, one that mediates between statutory mandates and their concrete implementation. Although the concept of the administrative act has been formally incorporated into the legislation of the Republic of Kazakhstan, its interpretation and practical application continue to raise a few unresolved issues in administrative law scholarship. Particular attention is paid to the legal nature of the administrative act and its place among other non-regulatory instruments adopted by executive authorities. In practice administrative acts are often difficult to distinguish from internal administrative decisions, individual directives, and other forms of managerial action. As a result challenges arise in determining the appropriate avenues for review, assessing the legality of such decisions, and identifying their legal consequences.

Further difficulties stem from the multidimensional character of the administrative act within Kazakhstan's legal framework. It functions simultaneously as a means of exercising executive authority, as the outcome of an administrative procedure, and as a mechanism for producing individualized legal effects. While legislation establishes the basic features of the administrative act, many aspects of its legal regime remain insufficiently defined. Questions persist regarding the criteria by which administrative acts should be distinguished from other individualized decisions of executive bodies. Debate also continues over the limits of administrative discretion, the requirements governing the statement of reasons, and the consequences of procedural defects in the adoption of administrative decisions.

The contribution of the present study lies in its examination of the administrative act beyond its conventional understanding as the final result of an administrative procedure. The research approaches it as a distinct element of the system of individualized legal regulation in public administration. Rather than treating the administrative act as merely another type of managerial decision or solely as a form of law enforcement, the study emphasizes its specific legal characteristics and its independent role within the structure of administrative activity. Particular consideration is given to its significance for ensuring legal certainty and for the further development of administrative justice in the Republic of Kazakhstan.

In pursuing this objective, the research addresses several interconnected lines of analysis. First, it explores the way the administrative act has been incorporated into national legislation, examining the internal coherence of its codified definition and the broader systemic consequences of its legislative consolidation. Special attention is devoted to the regulatory framework established by the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, which conceptualizes the administrative act as the result of a legally organized exercise of public authority.

Second, the study considers the role of administrative act within the internal dynamics of administrative procedure. It analyzes how individualized decisions emerge from processes involving the establishment of facts, the interpretation and application of legal norms, and, where applicable, the exercise of administrative discretion. In this sense, the administrative act is approached as the authoritative endpoint of a structured evaluative process rather than as an isolated managerial command.

Third, the research evaluates the broader systemic contribution of administrative acts to the consolidation of legality and to the stabilization of expectations in public-law relations. By requiring reasoned justification and procedural compliance, administrative acts can enhance the predictability of executive decision-making and strengthen legal certainty in interactions between public authorities and private parties. Through this lens, the administrative act is assessed not only as a formal category of administrative law, but also as a practical instrument for shaping a more transparent and accountable model of public administration.

Materials and Methods

The research is based on the current legislative framework of the Republic of Kazakhstan, primarily the Administrative Procedural and Process-Related Code of 29 June 2020 [1] and the Law on Legal Acts of 2016 [2]. The doctrinal foundations of the study were drawn from the works of R. S. Melnyk [3],[19], M. I. Zhumagulov [4], M. E. Trufanov [5; 18], S. B. Pashenko [6], A. S. Tukiev and K. K. Sabirov [7]. Particular attention was given to the theoretical contributions of S. S. Alekseev [8] and A. V. Malko [9], whose analyses of law application and legal regulation provided an important conceptual framework for examining the legal nature of administrative acts.

The study also considers research on the development of the concept of the administrative act in European administrative-law doctrine and on the legal nature of administrative regulations as instruments of executive action, including the works of V. V. Maslov [10]. Questions relating to the legal essence and administrative character of regulations were examined with reference to the writings of G. S. Belyaeva, T. M. Nintsieva, and I. N. Yakimova [11], while issues of legal terminology and conceptual interpretation were considered through the works of R. Sarpekov [12].

The analysis of administrative regulations and their practical implementation was informed by the studies of V. O. Buryaga [13], A. I. Stakhov [14], D. G. Domrachev [14], and A. V. Martynov [15]. The relationship between administrative regulations and administrative procedures was examined in light of the approaches developed by A. V. Filatov [16] and O. S. Rogachev [17].

The research used methods of formal logical and system analysis. The formal logical analysis was used to identify the essential characteristics of the administrative act, while the latter made it possible to examine its place within the broader system of non-regulatory acts adopted by executive authorities.

Basic Provisions

From Managerial Decision to the Legal Concept of the Administrative Act. One of the most consequential and relatively recent developments in the Kazakh legal order has been the formal recognition of the administrative act as an autonomous legal category. Prior to the adoption of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, doctrinal discourse and administrative practice operated with a disparate vocabulary – "individual decision", "order", "directive", "resolution" – without articulating their shared legal nature within a coherent theoretical framework. These forms were treated primarily as instruments of internal administrative management rather than as a unified category of externally binding acts. Since 2020, however, the administrative act has been codified as the principal outcome of an administrative procedure conducted by a public authority. The formal incorporation of the administrative act into legislation has significantly altered the trajectory of Kazakhstan's administrative law. In many respects this development brings the national framework into closer alignment with continental European traditions, where the administrative act occupies a structurally central position as the legal instrument through which public authority generates concrete, individualized consequences. Rather than remaining an implicit or doctrinal construct, the administrative act has acquired clear normative contours, thereby reshaping both legal theory and administrative practice.

Within this updated configuration the administrative act can no longer be reduced to a routine managerial decision. It represents the final stage of a procedure that is legally predefined and normatively structured. What matters is not only the outcome, but the path by which that outcome is reached. Principles such as procedural fairness, the right to be heard, transparency of reasoning, and the duty to provide justification are no longer peripheral considerations; they form the internal logic of lawful administrative decision-making.

This reorientation marks a gradual departure from a predominantly hierarchical understanding of executive governance, in which internal subordination and administrative expediency played a decisive role. In its place, a procedural model of the state is taking shape – one in which public authority is exercised through legally mediated processes rather than through unstructured discretion. Under this model, an individualized decision must be convincingly reasoned, proportionate to its objectives, and adopted with genuine consideration of the procedural rights and legitimate expectations of the persons concerned. The emphasis thus shifts from the mere fact of decision-making to the legal quality of the decision-making process itself, which becomes the principal criterion of administrative legitimacy. In comparative administrative law terms, the administrative act emerges as the institutional expression of proceduralization in public administration.

The Administrative Act as the Outcome of Procedure and a Structural Pivot of Public Authority. Under the provisions of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, the formal result of administrative action undertaken within the bounds of an administrative procedure is the administrative act. This statutory formulation secures its central position in the architecture of public power. It is through the adoption of such acts that executive authorities concretize statutory mandates in individual cases, thereby translating abstract legislative norms into specific legal consequences. Consequently, the administrative act occupies a structurally dominant role among the various forms of non-regulatory measures issued by executive bodies.

Administrative Acts as the Core Category of Non-Regulatory Executive Measures. Within the legal system of the Republic of Kazakhstan, administrative acts of executive authorities hold a distinct and system-forming position among non-regulatory instruments of public administration. They operate as the primary vehicle for individualized legal regulation and for the direct implementation of executive authority. Their emergence as an independent legal category reflects a broader institutional evolution driven by the codification of administrative procedures and the introduction of procedural mechanisms governing interactions between public authorities and private parties. In this sense, the administrative act embodies the transition from discretionary administrative command to procedurally disciplined governance.

Systemic Consolidation of the Administrative Act as a Doctrinal Category. The enactment of comprehensive administrative procedural legislation has facilitated the development of a systematic scholarly understanding of the administrative act as a distinct form of non-regulatory legal measure characterized by a clearly defined substantive and procedural nature. This conceptual clarification permits the administrative act to be viewed as an integral component of the mechanism for exercising executive power. At the same time, it functions as a structural guarantee of legal certainty, legality, and administrative effectiveness. The administrative act should therefore be understood as far more than a formal vehicle for recording an official decision. In the current configuration of public administration, it performs a constitutive role: it is through this legal form that executive authority is articulated, limited, and rendered accountable in accordance with the principles of legality and procedural reasonableness. Its importance lies not only in the outcome it produces, but in the normative framework that shapes how and under what conditions that outcome may be reached.

Discussion

In the legal system of the Republic of Kazakhstan administrative acts adopted by executive bodies occupy a clearly defined and systemically important place among the various non-regulatory instruments of governance. They serve as the principal means by which general legal prescriptions are translated into individualized determinations that create binding consequences for people. In this capacity, the administrative act functions as the dominant legal form through which executive competence is exercised in practice.

The broader context of administrative reform, the gradual development of procedural legislation, and the strengthening of rule-of-law standards have stimulated renewed academic interest in this category. Increasingly, the focus of research extends beyond formal definitions toward a deeper examination of the legal characteristics, substantive implications and practical functions of administrative acts. At the same time, their correlation with other individualized executive measures has become an object of doctrinal

clarification. This shift in scholarly perspective reflects an awareness that the effectiveness and legitimacy of public administration depend, to a significant degree, on how precisely the legal nature and procedural boundaries of administrative acts are understood and applied. This inquiry has acquired urgency because the concept of the administrative act, in its contemporary doctrinal meaning, represents a relatively recent development in Kazakh administrative law. Its emergence is closely linked to the institutionalization of administrative procedures, and the gradual embedding of procedural guarantees governing interactions between public authorities and private parties. The codification of these procedural frameworks -most notably through the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan has redefined the structure of administrative decision-making, transforming what was previously perceived as discretionary managerial action into a legally structured and reviewable form of public authority.

For an extended period individualized decisions of executive bodies were predominantly conceptualized within the traditional framework of law-application acts, orders, directives, and other authoritative commands. These instruments were treated as discrete manifestations of executive competence rather than as elements of a unified doctrinal construct. Terms such as "individual decision", "order", "instruction", or "resolution" circulated widely in both scholarly discourse and administrative practice; however, their common legal essence was neither systematically articulated nor examined through the lens of a coherent institutional category.

The absence of an integrated theoretical approach to their qualification resulted in a fragmented regulatory landscape and limited conceptual clarity regarding their juridical status. Without a consolidated understanding of the administrative act as a distinct legal form characterized by defined procedural and substantive features the boundaries between managerial discretion and legally structured adjudication remained blurred. Consequently, the evolution toward a procedurally disciplined model of administrative governance necessitated not only legislative reform but also doctrinal reconstruction capable of situating the administrative act within the system of comparative administrative law as a cornerstone of individualized public decision-making.

The situation changed fundamentally with the enactment of comprehensive administrative procedural legislation, which consolidated the administrative act as both an autonomous legal construct and the formal outcome of an administrative procedure. The adoption of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan marked a decisive turning point. Since 2020 the administrative act has been normatively defined as the principal legal result of a public authority's activity within the sphere of public-law relations. This legislative reform signaled a transition from the traditional perception of executive decisions as managerial determinations to the recognition of the administrative act as a distinct juridical category. In doing so, Kazakhstan's administrative law has moved closer to the continental European tradition, in which the administrative act constitutes the central doctrinal and practical instrument of individualized governance.

During this period a systematic scholarly understanding of the administrative act has begun to take shape, conceptualizing it as the core type of non-regulatory measure adopted by executive authorities and as a legal form characterized by a clearly articulated substantive and procedural dimension. The administrative act is no longer perceived as a discretionary administrative document issued at the will of the authority. Rather it is understood as a legally significant outcome of a procedurally structured process governed by statutory standards, including requirements of competence, reason-giving, proportionality, and respect for individual rights.

Pursuant to the provisions of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, an administrative act is defined as a decision adopted by an administrative body or public official within the sphere of public-law relations that gives effect to rights and obligations established by the laws of the Republic of Kazakhstan with respect to a specific person. This definition underscores the individualized and external legal effect of the administrative act, situating it at the intersection of statutory implementation and procedural guarantees - hallmarks of contemporary comparative administrative law [1].

The understanding of the administrative act proposed by R. S. Melnyk occupies an important place in contemporary administrative-law doctrine because it provides a workable basis for distinguishing administrative acts from other non-regulatory measures adopted by public authorities [19, pp. 258–271]. This distinction is particularly relevant in the context of Kazakhstan, where the boundaries between

different forms of executive decision-making remain a subject of discussion. A clearer understanding of those boundaries helps explain both the legal nature of administrative acts and their place within the broader system of individualized legal regulation.

R. S. Melnyk defines the administrative act as an authoritative decision adopted in the exercise of public-administration powers [19, p. 269]. Its significance derives not from its documentary form but from the legal authority expressed through it. By means of an administrative act a public body exercises powers conferred by law in relation to a specific factual situation, thereby producing legal consequences for particular persons. The administrative act should therefore be understood as a legal form through which executive authority is exercised rather than as a mere record of administrative activity.

An administrative act may be issued only by a public authority or official acting within the limits of legally established competence [19, p. 269]. In the Republic of Kazakhstan such powers are exercised by central and local executive bodies as well as by other entities entrusted with public functions. This feature distinguishes administrative acts from decisions made within the sphere of private law, where legal relations are based on the equality of the parties rather than the exercise of public authority.

The ability to produce legal consequences remains one of the central characteristics of an administrative act. Such decisions may create, modify, or terminate rights and obligations. Decisions that do not produce independent legal effects outside the administrative structure are generally regarded as internal organizational measures or as elements of an auxiliary administrative process. The distinction is important in practice because it often determines whether a decision is capable of judicial review.

Administrative acts are also characterized by their individualized nature [19, p. 269]. Unlike normative legal acts, which are designed for repeated application and address an indeterminate category of persons, an administrative act relates to a specific situation and is directed toward a particular person or a clearly identifiable group of people. This characteristic has traditionally served as one of the principal criteria for distinguishing administrative acts from normative regulation.

Another distinguishing feature is their external effect. Administrative acts are intended to affect people outside the internal structure of the issuing authority. For that reason, they must be differentiated from internal instructions, organizational orders, and other instruments concerned solely with the internal operation of public institutions [19, p. 269].

These characteristics received further clarification in the Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan of 9 April 2026. The Resolution did not merely reproduce the statutory definition contained in the Administrative Procedural and Process-Related Code. Instead, it sought to identify the legal characteristics by which administrative acts should be recognized in administrative adjudication [20]. According to the Supreme Court, an administrative act is an authoritative measure adopted by an administrative body or official for the purpose of creating, modifying, or terminating a specific legal relationship. The Resolution further identifies its individualized character, external legal effect, and connection with public-law regulation as essential features of the concept [20].

Practical importance is that the Court's emphasis on substance rather than form. Decisions capable of affecting rights and obligations may appear in a variety of forms, including letters, notices, opinions, electronic communications, or other documents issued within administrative practice. As a result, the legal qualification of such decisions cannot depend solely on their formal designation. The issue has long been significant because recognition of a measure as an administrative act directly affects the availability of judicial review.

The Resolution also addresses the distinction between an administrative act and administrative action or inaction [20]. It proceeds from the premise that procedural actions undertaken while administrative procedure do not ordinarily constitute an independent object of judicial protection. Their legality is generally assessed in the context of reviewing the final administrative act through which the procedure is concluded, and legal consequences are produced for the person concerned [20]. In practical terms, this approach directs judicial scrutiny toward the final exercise of public authority rather than toward each intermediate procedural step.

Whether this model provides sufficient protection against procedural irregularities remains open to discussion. Concentrating judicial review on the final administrative act promotes procedural economy and reduces the fragmentation of administrative disputes. At the same time, it raises the question of

whether procedural defects occurring at earlier stages of the decision-making process can always receive adequate judicial assessment through review of the final act alone. The extent to which administrative actions should be subject to independent judicial control therefore remains an issue of continuing relevance in Kazakhstani administrative law.

The administrative act constitutes the formal and substantive culmination of a procedurally structured administrative process, thereby signifying a transition from the traditional notion of managerial determination to a legally articulated and reviewable category.

The doctrinal significance of this transformation is further underscored by M. I. Zhumagulov, who emphasizes that an accurate understanding of the legal nature of the administrative act constitutes a crucial precondition for safeguarding the rights, freedoms, and legitimate interests of individuals and legal entities [4, p.30]. In present-day administrative law this development is commonly associated with a gradual "procedural turn" in the understanding of executive activity. Executive action is no longer viewed solely through the prism of institutional hierarchy or managerial discretion; rather, it is increasingly framed as a sequence of legally structured decisions adopted within predetermined procedural boundaries. In this context A. S. Tukiev characterizes «the administrative act as the primary outward expression of administrative activity, the legal form in which the competence of public authorities and officials becomes visible and practically effective» [7, p. 44]. His observation draws attention to the fact that executive power does not operate in the abstract: it materializes in concrete, individualized determinations that carry binding force in the external sphere.

Conceptually this approach signals a departure from a predominantly departmental and vertically organized model of administration. The emphasis shifts from internal subordination and administrative expediency to legally structured decision-making. Within this procedural paradigm, each individualized act must emerge from a process defined by statute: it must be supported by articulated reasoning, based on a careful appraisal of the relevant factual matrix, and anchored in applicable legal norms. Equally important, the procedure must provide affected people with a meaningful opportunity to participate, present their position, and have their arguments duly considered. In this way, executive authority is reinterpreted not as an unfettered prerogative, but as a competence exercised within a framework of procedural obligations that give practical effect to the principle of legality. In this way the administrative act emerges not as a discretionary administrative document, but as a juridically structured instrument of public authority designed to reconcile executive discretion with legal certainty and effective protection of rights.

In contemporary legal scholarship non-regulatory acts adopted by executive authorities are understood as a primary modality through which administrative competence is exercised. They enable the individualization of legal regulation, facilitate the prompt resolution of managerial tasks, and provide for the direct governance of concrete factual situations. Within this category, it is possible at least analytically to distinguish four principal types: administrative acts in the strict sense; acts of official interpretation; individualized enforcement measures; and other procedurally significant decisions of an auxiliary character. Although each of these forms performs a distinct functional role, administrative acts occupy a central and system-defining position. This is because they directly create, modify, or extinguish the rights and obligations of specific people, possess binding and authoritative force, and constitute the primary external expression of the administrative will of the state. As R. Melnik aptly notes, «the proper and comprehensive interpretation of an administrative act provides the indispensable foundation not only for its correct implementation and execution, but also for effective oversight -including judicial review -of its legality» [3, p. 93].

A theoretical and doctrinal analysis of administrative acts permits their characterization as a specific legal form of administrative activity with a composite nature. On the one hand, they represent the outcome of law-application in the classical sense: they are adopted on the basis and for the purpose of implementing, statutory norms, thereby concretizing abstract legal prescriptions in individual cases. On the other hand, administrative acts function as instruments of authoritative governance, through which public authorities exercise discretionary power and adopt individualized decisions aimed at regulating particular social relations. In this dual capacity, they operate at the intersection of norm concretization and executive discretion, reflecting the structural logic of comparative administrative law systems grounded in the rule of law.

At the same time the multiplicity of terminological formulations and doctrinal definitions has not necessarily contributed to conceptual clarity. The proliferation of competing definitions of the administrative act is largely attributable to the historical absence -or insufficiency -of a precise statutory definition. Where legislation fails to articulate the essential attributes of this legal form, doctrinal discourse inevitably compensates by generating diverse conceptual models. Consequently, the consolidation of a coherent understanding of the administrative act requires not only theoretical refinement but also normative precision capable of stabilizing its legal identity within the system of non-regulatory executive measures [6, p. 76]. This dual character explains the distinctive position of administrative acts within the system of non-regulatory measures, as it is precisely in this legal form that the interconnection between rulemaking, law-application, and administrative procedure becomes most visible. Administrative acts function at the intersection of these dimensions: they operationalize statutory norms, embody discretionary assessment, and are produced within a procedurally structured framework. In this sense, they serve as the point of convergence between normative abstraction and individualized implementation.

Particular significance for the consolidation of the administrative act as a doctrinal category in the national legal system attaches to the legislative recognition that the outcome of administrative action undertaken within the framework of an administrative procedure is, specifically, an administrative act. The Administrative Procedural and Process-Related Code of the Republic of Kazakhstan thus establishes a direct normative link between procedure and decision. This provision has triggered a conceptual reassessment of the traditional forms of individualized executive decisions. Such decisions are no longer perceived merely as isolated law-application documents; rather, they are understood as the formal culmination of a procedurally regulated activity of public administration. This reconceptualization confers upon the administrative act a qualitatively new status and highlights its intrinsic connection to the procedural mode of exercising executive authority.

From a theoretical standpoint this development resonates with the position advanced by Alexander V. Malko, «who argues that, in the conditions of the modern state, law-application policy constitutes an autonomous and highly significant sphere of governmental activity, one that in contemporary realities may assume a role comparable to – or even exceeding – that of law-making» [9, p. 166]. He associates this assessment with several interrelated factors: the inadequate or purely formal implementation of legislative prescriptions; the objective need for administrative authorities to elaborate statutory provisions through numerous subordinate regulations and interpretative directives; the transformation of the original legislative intent during the process of its concretization; and the progressive expansion of administrative discretion vested in public officials.

These dynamics reinforce the importance of the administrative act as a structured and reviewable form of executive action. They also underscore the necessity of doctrinal clarity and procedural safeguards capable of reconciling expanded discretionary powers with the principles of legality, proportionality, and legal certainty that define contemporary comparative administrative law.

Although the concept of the administrative act has been incorporated into the legislation of the Republic of Kazakhstan, important questions concerning its interpretation and application remain unresolved. The most significant of these relate to its legal nature and its place among the various non-regulatory instruments used by executive authorities. In administrative practice, administrative acts are often difficult to distinguish from internal administrative decisions, individual directives, and other forms of executive action. This lack of clear boundaries complicates the review of such decisions, the assessment of their legality, and the determination of their legal consequences.

The complexity of the issue is reinforced by the fact that the administrative act performs several functions simultaneously within Kazakhstan's legal system. It serves as a form through which executive authority is exercised, as the outcome of an administrative procedure, and as a means of producing legal effects in relation to specific people. While legislation identifies the principal features of an administrative act, many elements of its legal regime remain insufficiently defined. Uncertainty persists regarding the criteria that distinguish administrative acts from other individualized decisions of executive bodies. Questions also remain concerning the limits of administrative discretion, the requirements for reasoned decision-making, and the legal consequences of procedural irregularities in the adoption of administrative decisions.

The originality of this study lies in its treatment of the administrative act as more than the final stage of an administrative procedure. The analysis approaches it as an independent element of individualized legal regulation in public administration. Unlike approaches that reduce the administrative act to an ordinary managerial decision or regard it solely as a form of law application, the present study proceeds from the premise that it occupies a distinct place within the system of administrative activity and performs functions that cannot be fully explained through either of these perspectives. Particular emphasis is placed on its role in promoting legal certainty and on its significance for the continuing development of administrative justice in the Republic of Kazakhstan.

The foregoing line of argument is overall persuasive. At the same time, a more concise and conceptually refined formulation may be found in the work of Sergey S. Alekseev, who maintains that the application of law ranks second in significance only to law-making and, under certain social and legal conditions, may become an equally influential factor shaping the operation of legal regulation [8, p. 266]. This observation underscores the structural importance of law-application within the legal system and provides a theoretical foundation for understanding the administrative act as a central instrument of public governance.

Against this background, the administrative act should not be regarded as an incidental managerial determination. Rather, it represents the logical culmination of an administrative procedure designed to examine a specific case, establish the relevant facts, assess evidentiary materials, and adopt a legally consequential decision. Such a construction intensifies the requirements of legality, reasoned justification, and substantive grounding, since each administrative act must result from a sequence of procedural steps prescribed by law. In this way, a qualitatively new level of legal certainty is introduced into the functioning of executive authorities -one rooted in the procedural structuring of decision-making and in the strengthening of procedural safeguards as integral elements of administrative governance.

Compared with other forms of non-regulatory measures, administrative acts display a set of defining characteristics that warrant their recognition as the core element within the architecture of individualized legal regulation. First, they are inherently specific in scope and addressed to identifiable subjects, which distinguishes them from normative acts intended to govern an indeterminate class of persons. Second, administrative acts are adopted within the limits of the legally conferred competence of the relevant executive authority and possess binding force by virtue of their authoritative nature. Finally, they are issued in relation to concrete administrative matters and are directed toward achieving a defined legal outcome - namely, the creation, modification, or termination of subjective rights and legal obligations. Through these features, the administrative act emerges as a structured and legally consequential manifestation of executive power within contemporary models of comparative administrative law.

"Through an individual law-application act adopted in a specific sphere of social relations, it becomes possible to adjust the conduct and decisions of a particular participant in those relations on the basis of administrative law norms" [18, p. 164].

This observation aptly captures the corrective and concretizing function inherent in individualized administrative decision-making. In the framework of comparative administrative law, such acts operate as instruments through which abstract statutory prescriptions are translated into context-sensitive determinations tailored to factual circumstances [18, p. 162].

The particular importance of administrative acts stems from their role as the primary vehicle for the day-to-day exercise of executive functions. It takes shape within the day-to-day executive and regulatory functions exercised by public authorities. Laws acquire real effect not at the moment of their adoption, but when administrative bodies translate them into concrete decisions addressed to specific people. Through such individualized determinations, state programs are put into operation, public services are provided, enforcement measures are applied where necessary, and the rights and legitimate interests of individuals and legal entities receive practical recognition and protection. In this respect, administrative acts constitute a central mechanism for ensuring the effectiveness of public administration, enabling authorities to respond promptly and adequately to evolving societal needs and concrete legal situations.

Within the broader category of non-regulatory measures, administrative acts occupy a leading position not only in functional terms but also with regard to the scope and intensity of their legal consequences. Other individualized instruments of executive authorities – such as acts of official interpretation

or internal organizational directives – are primarily oriented toward facilitating internal operations or clarifying the application of legal norms. Administrative acts, by contrast, are directed outward and produce direct legal effects in the external sphere by shaping the legal status of specific people. This distinguishing feature warrants their characterization as the central component of the mechanism of individualized legal regulation, since it is precisely through administrative acts that the state engages in direct, legally structured interaction with citizens and organizations.

A coherent theoretical account of the administrative act requires its examination in relation to other forms of non-regulatory executive measures. Acts of official interpretation, notwithstanding their importance for ensuring uniform application of legislation, do not generate independent legal consequences; rather, they clarify the meaning and scope of pre-existing legal norms. Internal organizational instruments are primarily designed to structure the internal functioning of administrative bodies and, as a rule, do not directly affect the rights or obligations of external actors. Other individualized decisions may serve auxiliary or procedural purposes within a broader administrative process. Against this background, administrative acts stand apart by virtue of their autonomous legal significance: they directly shape the legal landscape by creating specific legal relationships and altering the juridical status of participants in administrative interaction.

An additional dimension of doctrinal analysis concerns the place of administrative acts within the broader mechanism for exercising executive power. By its very nature, the executive branch is oriented toward the practical governance of social processes, which necessarily entails the adoption of numerous individualized decisions. Administrative acts constitute the principal form through which the managerial will of the state acquires legally binding expression. The body of scholarship addressing administrative regulations and related instruments -though diverse in terminology – reveals a shared conceptual foundation: administrative regulations are generally understood as organizational and procedural frameworks structuring the activity of executive authorities, whereas the administrative act is conceived as the legally formalized outcome of an administrative procedure [11-17].

Through administrative acts, the principle of legality in its subordinate dimension is operationalized, since each individualized decision must be grounded in and consistent with higher-ranking normative acts. At the same time, they embody the principle of concreteness in administrative governance, as they are directed toward the resolution of specific issues arising in the course of administrative activity. In this dual capacity – anchored in statutory authority yet oriented toward individualized resolution – the administrative act emerges as a structurally indispensable element of contemporary administrative law, mediating between abstract regulatory frameworks and the practical realities of public administration.

The systemic importance of administrative acts is further revealed in their function as a safeguard for the protection of individual rights [19]. Because such acts directly affect the legal position of identified persons, they are subject to heightened requirements of legality, substantive justification, and reason-giving. Their adoption must comply with established procedural standards designed to ensure transparency, fairness, and due process in administrative decision-making. In this respect, the administrative act operates not merely as an instrument for advancing public interests, but also as a structural mechanism for maintaining an appropriate balance between state authority and individual rights. As administrative acts occupy an ever more visible place in regulatory practice, scholarly analysis cannot remain static. Their expanding practical relevance requires a more nuanced examination of their legal nature, clearer differentiation from adjacent executive instruments, and continuous improvement of the procedural architecture governing their adoption. Strengthening conceptual precision in this area is not merely an academic exercise. It has tangible implications for the quality of governance, as clearer procedural standards and doctrinal coherence directly influence the predictability, consistency, and legality of administrative decision-making. In this broader perspective, the maturation of the doctrine of administrative acts contributes to reinforcing the principle of legality, enhancing administrative performance, and consolidating the institutional framework of a rule-of-law state.

The simultaneous evolution of administrative justice has further reshaped the position of the administrative act within the legal system. With the expansion of judicial review mechanisms, individualized administrative decisions have become the focal point of court control. As a result, the administrative act is no longer confined to the internal logic of executive management; it now functions as a legally

assessable determination subject to independent judicial evaluation. This development has substantially elevated its normative weight, repositioning it from a predominantly managerial instrument to a legally contestable act embedded within a system of checks and balances.

The significance of administrative acts becomes even more pronounced against the backdrop of digital transformation in public administration. The widespread introduction of electronic platforms and automated procedures has increased the volume and speed of individualized decisions adopted in digital form. Far from reducing their legal importance, this technological shift intensifies the need for carefully designed procedural safeguards. Issues of traceability, data integrity, procedural transparency, and reliable record-keeping acquire relevance in digital environments. Consequently, the procedural regulation of administrative acts must evolve to ensure that technological innovation remains compatible with fundamental guarantees of due process and accountability. In this sense, digitalization serves not to dilute, but to heighten the legal standards applicable to administrative decision-making.

From a doctrinal standpoint administrative act can be conceptualized as the most concentrated manifestation of the state's governing function in action. They represent the point at which normative regulation, organizational authority, and factual assessment converge in concrete legal determination. Their distinctive role within the broader spectrum of non-regulatory executive measures lies in their capacity to convert abstract legislative directives into specific, situation-bound outcomes. Through this mechanism, general legal norms acquire practical efficacy, and public authority assumes a tangible form in everyday administrative interactions. Administrative acts thus operate as the decisive link between regulatory intent and real-world implementation, ensuring that the law does not remain an abstract framework but becomes an operative instrument shaping social relations in concrete contexts.

A systemic analysis demonstrates that administrative acts constitute the principal connective mechanism between law-making and law-application in practice. In the absence of individualized decisions, statutory and regulatory provisions would remain largely programmatic, as it is through concrete determination that normative frameworks acquire operative force. In this sense, administrative acts perform not only an adjudicative function in the narrow sense, but also a law-implementing function, mediating the transition from general regulation to specific, enforceable outcomes. Their formal recognition as the outcome of an administrative procedure further signals the emergence of a new legal paradigm within the national legal order, in which a managerial decision is conceived as the product of procedurally structured activity by public authorities rather than as a purely discretionary executive command.

Conclusion

The issues examined in this paper demonstrate that the further development of the administrative act in Kazakhstan cannot be reduced to legislative reform alone. Equally important is the emergence of a stable administrative and judicial practice capable of ensuring a consistent understanding and application of the relevant legal standards. Unresolved questions remain regarding the distinction between administrative acts and other individualized decisions of executive authorities, the requirements applicable to the reasoning of administrative decisions, and the legal consequences of serious procedural irregularities.

The significance of these issues is becoming increasingly apparent in conditions marked by broader administrative discretion and the growing use of digital technologies in public administration. Where the concept of the administrative act lacks clear and uniform interpretation, legal certainty is weakened and procedural guarantees risk losing much of their practical value. In this respect, the administrative act performs a function that extends beyond the internal operation of executive authorities. It serves as one of the principal legal instruments through which public power is exercised within a framework defined by legality and respect for individual rights.

The examination of administrative acts within the system of non-regulatory acts of executive authorities supports the view that they occupy a distinct and central position. Their significance is determined by the legal consequences they produce, their connection with administrative procedure, and their role in shaping the legal relationship between public authorities and private people. The recognition of the administrative act as an independent legal category reflects broader changes in the development of Kazakhstani administrative law. Decision-making by public authorities is increasingly assessed not only through the outcome reached but also through the procedural standards by which that outcome is achieved.

For that reason, questions concerning the legal nature of administrative acts, the procedures governing their adoption, and the degree of legal certainty they provide are likely to remain at the centre of both scholarly discussion and legal practice. The way these questions are addressed will influence the effectiveness of public administration, the quality of legal protection afforded to individuals, and the continuing development of the rule of law in the Republic of Kazakhstan.

Г.Б. Абикенова, докторант, академик Е.А. Бөкетов атындағы Қарағанды ұлттық зерттеу университеті Конституциялық және халықаралық құқық кафедрасының (Қазақстан Республикасы, Қарағанды қ.): Қазақстан Республикасының атқарушы билік органдарының әкімшілік актілері нормативтік актілер жүйесінде: теориялық-құқықтық талдау.

Мақала Қазақстан Республикасының атқарушы билік органдарының әкімшілік актілерін, олардың нормативтік құқықтық актілер жүйесіндегі негізгі түрі ретінде, кешенді теориялық-құқықтық талдауға арналады. Арнайы назар олардың мәндік ерекшеліктерін, функционалдық мақсатын және жеке құқықтық реттеу жүйесіндегі орнын айқындауға бағытталған. Әкімшілік акті ұлттық құқық жүйесі үшін салыстырмалы түрде жаңа құбылыс ретінде қарастырылады, ол 2020 жылғы 29 маусымдағы Қазақстан Республикасының Әкімшілік рәсімдік-процестік кодексінің (ӘРПК) қабылдануы нәтижесінде нормативтік бекітуге ие болды. Зерттеу өзектілігі әкімшілік-процедуралық заңнаманың дамуы және әкімшілік рәсімдердің институционалдануы фактісімен негізделеді. Зерттеу нысаны ретінде әкімшілік актілердің нормативтік актілер жүйесіндегі функционалдық ерекшеліктері, олардың заңдылықты қамтамасыз етудегі және процедуралық айқындықты орнатудағы рөлі қарастырылады.

Алынуы ықтимал қорытындыларға әкімшілік актіні атқарушы органдардың нормативтік актілеріндегі жетекші байланыс ретінде анықтау, сондай-ақ оның қоғамдық билікті іске асырудағы жүйелік рөлін айқындау кіреді.

Түйінді сөздер: Әкімшілік акт, нормативтік емес акт, басқару актісі, атқарушы органдар, әкімшілік рәсім, Қазақстан Республикасы.

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Статья посвящена комплексному теоретико-правовому исследованию административных актов органов исполнительной власти Республики Казахстан как ключевого вида ненормативных актов. Особое внимание уделено выявлению их сущностных характеристик, функционального назначения и места в системе индивидуального правового регулирования. Подчёркивается, что административный акт является относительно новым явлением для национальной правовой системы, получив нормативное закрепление в результате принятия Административного процедурнопро-цессуального кодекса Республики Казахстан (АППК) от 29 июня 2020 г. Актуальность исследования обусловлена развитием административно-процедурного законодательства и институционализацией административных процедур. Предметом исследования выступают функциональные особенности административных актов в системе ненормативных актов, их роль в обеспечении законности и процедурной определённости.

Предполагаемые выводы включают определение административного акта как ведущего звена среди ненормативных актов исполнительных органов, выявление его системообразующей роли в реализации публичной власти.

Ключевые слова: административный акт, ненормативный акт, акт управления, исполнительные органы, административная процедура, Республика Казахстан.

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НОВЫЕ КНИГИ

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