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Short Communication

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Legal English in Modern Kazakhstan: A Short Introduction

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Abstract

Legal English comes up as a phenomenon of communication for transmitting messages in lingua franca countries in English among lawyers who share the same ideas and development plans. The usage of legal English is widespread in all areas of social life which combine every domain, such as economic, religious, educational, environmental, etc. Law students in Kazakhstan learn legal English in EOP classes, where the learning process has a diachronic character and is closely connected with the history of law itself. Traditional ESP classes mostly focus on teaching legal terms and their usage. As we are aware, in our competitive world, it is not enough for future lawyers to be familiar with their own language and culture. In order to cooperate with foreign colleagues-lawyers have to use English as a leading global language for legal and business purposes. Mastering any specific language requires a lot of training and practice. However, familiarity with legal English can accelerate this process. Lawyers with general knowledge about the origin, stages of development of legal English, and key terminology and style can easily and quickly learn the peculiarities of legal English. The main purpose of this article is to give a brief overview of the Kazakhstan legal system, highlight the key aspects of legal English, and the role of legal English in Kazakhstan's international trade.

Keywords: *Kazakhstan, Legal english, International trade, Legal system, Lawyer*

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1. Introduction

1.1. The Religion

The Republic of Kazakhstan is a transcontinental country located in Central Asia and Eastern Europe. The country is ranked as the 9th largest territory in the world. It is bordered clockwise from the north by Russia, China, Kyrgyzstan, Uzbekistan, and Turkmenistan, and also borders on a significant part of the Caspian Sea. The population is approximately 19.8 million people, including 130 ethnic groups. The capital city is Astana. Officially, Kazakhstan is a Muslim-majority country with secular and tolerant traditions, which provides freedom of religion and belief to 18 confessions with 3924 units. The religious organizations must register with the government to operate legally. According to the 2019 census, the largest religious group in Kazakhstan is Islam, with approximately 70% of the population identifying as Muslim. The majority of Muslims in Kazakhstan follow the Hanafi School of Islamic jurisprudence. The Hanafi school of Islamic jurisprudence is one of the four major schools of Sunni Islamic law, named after Imam Abu Hanifa, a prominent Islamic jurist and theologian.

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Christianity is the second-largest religion in Kazakhstan, with approximately 25% of the population identifying as Christian. The majority of Christians in Kazakhstan are Orthodox, followed by Catholics and Protestants.

Buddhism, Judaism, and various traditional religions also have small communities in Kazakhstan.

1.2. The Language

The official state language is Kazakh. In state institutions and local self-governing bodies, Russian is used equally with Kazakh. According to the Constitution of Kazakhstan, adopted in 1995, the official state languages are Kazakh and Russian. This means that both languages have equal status in state institutions and local self-governing bodies. The use of Russian is particularly important in areas where the majority of the population speaks Russian rather than Kazakh. This bilingual policy has been in place since Kazakhstan gained independence from the Soviet Union in 1991 and is intended to ensure that all citizens can communicate effectively with their government and access public services.

1.3. The Historical Stages of Independence

The Kazakh Khanate was a political entity that existed in Central Asia from the mid-15th century to the early 18th century. It was composed of three main tribal divisions, known as jüz or zhuz, which were led by khans (rulers). The Khanate was centered around the city of Sary-Arka (present-day Taraz City) and extended its influence over much of present-day Kazakhstan and parts of neighboring countries. In the early 18th century, the Russian Empire began colonization, and in the 1860s, the Khanate of Kazakhstan became part of the Russian Empire. This period of Russian colonization had a significant impact on Kazakh society and culture, as many traditional customs and practices were suppressed or replaced by Russian tendency. In response to this, a group of Kazakh intellectuals and politicians formed the Alash Orda in December 13, 1917. However, it was short-lived, as it was overthrown by Soviet forces in August 1920 by Alikhan N. Bokeikhanov, this government aimed to establish an Autonomous Kazakh State On August 26, 1920, the Soviet government established the Kyrgyz Autonomous Soviet Socialist Republic, which was renamed the Kazakh Autonomous Soviet Socialist Republic in 1925 and then the Kazakh Soviet Socialist Republic in 1936. Finally, On December 16, 1991, Kazakhstan adopted the Constitution “On the State Independence of the Republic of Kazakhstan”, marking an important turning point in the development of the country.

1.4. Legal System of Kazakhstan

Kazakhstan is unitary dominant partly presidential constitutional republic with legal system of Islamic and Romano-Germanic (Continental) legal traditions. Islamic law in force until the early 1920s included many norms of Adat, the local customary law composed of the traditional precepts of the people of the region. The influence of Romano-Germanic law system was based primarily on the theory and practice of Soviet law and on socialist principles.

Kazakhstan’s laws are now codified. Legislative and other normative legal acts can be classified as constitutional, administrative, civil, criminal, labor, tax, customary, or other material or procedural laws.

A strict hierarchy of the sources of law includes:

- The Constitution of the Republic of Kazakhstan;
- Constitutional laws and decrees;
- International treaties;
- Codes;
- Ordinary laws; and
- Other regulations, normative decrees, etc.

The main tasks of judicial power are to settle conflicts and disputes arising in public and government relations, restore violated rights, and punish those who violate the law.

Judicial power in the Republic of Kazakhstan is vested only in courts, which are represented by regular judges and jurymen and are responsible for the criminal proceedings of cases according to procedures established by the law. In the Republic of Kazakhstan, justice is enforced only by courts. Other bodies and individuals do not have the right to execute the powers of a judge or the functions of the judiciary power.

The judicial system of the Republic of Kazakhstan consists of the Supreme Court of the Republic of Kazakhstan, the Constitution of the Republic of Kazakhstan, the local courts, and other courts established in accordance with the Constitution.

The Supreme Court of the Republic of Kazakhstan is a high-ranking judicial body dealing with civil, criminal, and other proceedings within the jurisdiction of local courts and other courts. It performs the functions of an annulment authority with respect to proceedings and provides clarification on procedural matters through the adoption of regulatory statutes.

The Supreme Court of the Republic of Kazakhstan consists of a president and judges. The Supreme Court has judicial panels along with specialized panels. The Scientific Advisory Board, the International Council, and the Printing Office report to the Supreme Court of the Republic of Kazakhstan. The Academy of Justice works under the jurisdiction of the Supreme Court of the Republic of Kazakhstan.

The Supreme Court of the Republic of Kazakhstan, subject to the provisions of its first-instance jurisdiction, hears administrative cases challenging the decisions and acts or omissions of the Central Election Commission and the decisions and acts or omissions of the Central Referendum Commission.

Local courts include:

- District courts and courts of equivalent status (municipal courts of the capital, municipal courts in cities of republican significance);
- District courts and courts equated to them (municipal court, interdistrict court).

Kazakhstan's legal system also includes for economic disputes, intellectual property rights, and family matters. In addition, there are military courts that have jurisdiction over military personnel and cases related to military service.

The legal profession in Kazakhstan includes lawyers (in Kazakh pl., 'qorǵawǵılar/advokattar', in Russian 'advokaty'), prosecutors (in Kazakh prokwrorlar, in Russian prokurory), judges (in Kazakh 'sottar', in Russian 'sudyi'), notaries (in Kazakh 'notariat', in Russian 'notariaty'), and bailiffs (in Kazakh 'sot oryndawǵısy', in Russian 'sydebnii pristav'). Lawyers provide legal services to clients, while prosecutors represent the state in criminal cases. Judges preside over court proceedings, while notaries authenticate documents and provide other legal services. Bailiffs enforce court decisions and judgments.

2. Expansion and Popularization of legal English in Kazakhstan

Today in Kazakhstan, Kazakh and Russian languages remain the main languages of education and science, and the languages of communication in all fields, however, the role of English has become stronger due to international bonds, and increasing international schools and academic programmes for higher education students and lecturers.

In Judicial proceedings, Kazakhstan uses only Kazakh and Russian, and if necessary, other languages. Usually, in Kazakhstan, judgments are drawn up in Kazakh along with Russian. However, English is the most important language in international contracts. Non-native speakers of English use it as a main tool of communication where all parties have to collaborate in order to achieve business ties in various fields. Thousands of lawyers in Kazakhstan draw up contracts and business correspondences in English every day. The important element of these procedures is legal English, which has specific grammar, vocabulary, and style. Generally, legal English demonstrates ossification, which makes it difficult to master. Legal English had different stages of development from Greek, Latin, French, and German. So each stage left a certain impact on forming modern legal linguistics. The idiosyncrasy of legal English is often used in an official context. The lawyer faces with a vast amount of texts that he/she regards as authoritative, and those texts should precisely solve certain questions that can conceivably arise.

As we have seen, English has gained a footing in Kazakhstan society. As a country with a growing international presence, Kazakhstan recognizes the importance of English proficiency in legal contexts such as international commerce, legal research, and participation in international legal forums and meetings. However, legal English is a newcomer, that has quickly grown to a dominant position in Kazakhstan's lawyers circle. Nowadays, we can observe the translation of acts of state bodies, rules and regulations of state run public authorities, and so on, into three languages, i.e., Kazakh, Russian, and English.

2.1. Key Aspects Related to legal English in Kazakhstan

Legal English in Education and Professional Development: Kazakhstan has universities and institutions that offer legal education in both Kazakh and Russian, the main languages of the country's legal system. However, to meet the demands of globalization and international legal practice, there is an increasing emphasis on incorporating Professional English classes into the legal curriculum. Legal professionals in Kazakhstan may participate in continuing professional development programmes to enhance their legal English skills. These programmes can include legal English courses, workshops, and seminars that focus on improving written and oral communication skills in the legal field.

International Legal Framework in legal English, Translation, and Interpretation: Legal English in Kazakhstan involves understanding and using legal terms in English. This includes learning specific vocabulary, expressions, and concepts used in various areas of law, such as contract law, corporate law, international law, and intellectual property law. As we know, Kazakhstan's Involvement in international legal frameworks and its engagement with foreign legal systems, legal experts to navigate and interpret legal documents and agreements in English. This includes understanding international treaties, conventions, and jurisprudence that affect the legal situation in Kazakhstan. Legal professionals may be involved in legal translation and interpretation work, where they translate legal documents, contracts, or provide interpretation services in legal proceedings. A good knowledge of English and a deep understanding of legal concepts are essential in accurately conveying legal information in any language.

International Business Transactions and Commerce: Kazakhstan is actively involved in international trade and investment, making proficiency in legal English essential for lawyers involved in international business transactions. This includes negotiating and drafting contracts, conducting due diligence, and providing legal advice to clients in English-speaking contexts. International legal networks and cooperation: Kazakhstan lawyers may seek opportunities to build international legal networks and connections and collaborate with lawyers from other countries. Knowledge of legal English facilitates effective communication and collaboration with colleagues in different legal systems.

Although legal English is gaining prominence in Kazakhstan, it is important to note that Kazakh and Russian are still the main legal languages in the country. Nevertheless, the increasing integration of English into the legal field reflects the global nature of legal practice and Kazakhstan's desire for international engagement and cooperation.

3. Legal English in International Trade and Business

The above sections show that legal English is the dominant language for strengthening relationships with other countries in all life fields. As I mentioned before, Kazakh and Russian are the main commuting languages in Kazakhstan, however, the role of English is increasing due to global competition and developing various relations with other countries. Legal English has become the language of international business and trade. In 2018, Kazakhstan launched the financial hub Astana International Financial Centre (AIFC) in Astana city, which is a regional center for business and finance, connecting the economies of Central Asia, the Caucasus, the EAEU, Western China, Mongolia, the Middle East, and Europe. The official language of AIFC is English. Currently, 1046 companies from more than 35 countries are working with the AIFC. These companies include financial institutions such as the China Construction Bank, China Development Bank, CICC (Hong Kong) and Wood & Co. (Czech Republic), the largest investment banks. As an international financial hub, the AIFC aims to attract foreign investment and promote cross-border business activities in the region. By using English as its official language, the AIFC is better able to facilitate communication and collaboration between international financial institutions and Kazakhstani businesses.

This trend towards using legal English in the AIFC is also reflected in the legal documents and agreements related to the center. Many of these documents are now being drafted in English, which makes them more accessible to foreign investors and financial institutions. This is particularly important given the international nature of the AIFC and the fact that many of its stakeholders are based outside of Kazakhstan. Moreover, the use of English in the AIFC is also driving demand for legal English skills among Kazakhstani lawyers and legal professionals. As more legal documents related to the center are being drafted and interpreted in English, it is essential for Kazakhstani lawyers to be able to understand and interpret these documents accurately. This has led to an increase in legal English courses and training programmes in Kazakhstan, as well as a growing demand for legal English translation services.

Zhumakhmetova and Kudaibergenova (n.d.) highlighted that the widespread usage of foreign law in Kazakhstan, a sovereign state, provided a platform for legal experts to express their worries about the ineffectiveness of Kazakh regulations. As a result, there are more people advocating for the Kazakhstan legal system to incorporate English law principles, particularly those that apply to the standard mergers and acquisitions (M&A) legal instruments. Lawyers who disagree with this notion contend that the case law system and civil law are fundamentally incompatible.

Executive producer and host of "White House Chronicle" King (2021), in his article "*English Law Is the Gold Standard in Central Asia's Kazakhstan*" emphasized that The Astana International Financial Centre (AIFC), established by the aspirational Central Asian Republic of Kazakhstan, has met this challenge. The AIFC, situated in Kazakhstan's capital Nur-Sultan (currently Astana), was founded in July 2018 and imported a civil legal system with a gold-plated framework for litigation and conflict resolution. It established English law, which is the preferred system of law for conducting business around the world. With the help of a constitutional reform, Kazakhstan has adopted English law as a trustworthy and respected source of jurisprudence for its financial center. The court has also decided that English will be its sole medium of communication. English law is distinguished by its use of a flexible and open method of dispute

resolution. The government's main objective in trying to draw FDI to the expanding economy of Kazakhstan is to foster an atmosphere of confidence and transparency for businesses operating in Kazakhstan, a former Soviet republic that few investors are familiar with. The government of Kazakhstan has implemented numerous regulatory, tax, monetary, and trade reforms as well as incorporated the international familiarity of English law into the AIFC Court and AIFC Arbitration Centre in the hopes that the application of English law will quickly shape Astana into Central Asia's leading financial hub. English is the most popular contract language in the world, and the three largest financial centers in the world—New York, London, and Hong Kong - have long practiced common law dispute settlement. Even Paris is proposing to adopt English law in a new commercial court in an effort to entice more investment in the wake of Brexit, but Astana has already done so, a move that will undoubtedly boost FDI in Kazakhstan (Kirchheimer, n.d.).

4. Conclusion

Legal English is quite unique and difficult to learn for professional needs. However, future improvements to the ESP curriculum for Law students, can be the main method of observing how far Kazakhstan students master legal English. Usually, courses such as ESP for law students are taught only within a very limited number of lessons; the syllabus focuses on key concepts such as legal English terms, improving previous English grammar skills, and conducting business correspondence abilities that are applicable to wider professional needs. Therefore, in the future, we hope that ESP curriculum developers/experts will enhance teaching approaches and methods in order to improve the language proficiency level of Law students. I would like to emphasise that in order to improve and expand legal English, one of the universities of Kazakhstan, M. Narikbayev Kazakh Humanitarian Law University, Astana, is recognised by Global Legal English as the only TOLES (Test of Legal English Skills), London accredited registration and examination center in Central Asia and also provides preparation courses for this international test, which is recognised in 78 countries. It is a great opportunity to monitor and gauge professional readiness for global challenges. The availability of preparation courses for the TOLES test at the university provides students and professionals with a structured and comprehensive approach to improving their legal English skills. This is particularly important given the growing demand for legal English in Kazakhstan, as more legal documents and agreements are being drafted and interpreted in English. The university is also helping to raise awareness of legal English among Kazakhstani lawyers and legal professionals. This will not only improve their proficiency in legal English but also help them to better understand and interpret international legal documents and principles.

Overall, the recognition of M. Narikbayev Kazakh Humanitarian Law University, Astana as a TOLES accredited center is a positive development for legal English education in Kazakhstan, and it will undoubtedly contribute to the further expansion and improvement of legal English skills in the country.

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