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Execution of Foreign Judicial Decisions: A Comparative Analysis of Legal Mechanisms in Kazakhstan, Russia, the USA, China, and European Countries

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Abstract: This article presents a comprehensive analysis of modern mechanisms for the recognition and enforcement of foreign judicial decisions, with a particular focus on practice in the Republic of Kazakhstan. The study covers the period 2018–2024 and is based on a comparative analysis of legislative norms, judicial practice, and international conventions in Kazakhstan, Russia, the USA, China, and European countries. Special attention is paid to the application of the principle of reciprocity, the influence of international trends and political factors on the enforcement of judicial decisions, and the identification of promising directions for the improvement of national legislation. The work relies on recent publications from reputable sources (Scopus, Web of Science, and analytical reports from leading consulting organizations) and demonstrates that the modernization of the legal mechanism for enforcing foreign judicial decisions is a crucial condition for enhancing trust in the national judicial system and strengthening international cooperation.

Keywords: foreign judicial decisions; enforcement of judicial decisions; principle of reciprocity; international law; arbitration; civil litigation; Kazakhstan; comparative analysis.

Introduction: In an era of globalization and increasing cross-border connections, the issue of recognizing and enforcing foreign judicial decisions has become particularly relevant. The effective enforcement of decisions from foreign courts (both state courts for civil matters and arbitration institutions) directly impacts the confidence of international trade participants in the protection of their rights and reduces risks when conducting business abroad [1, 2]. Despite the active development of international trade and investments, until recently there was no uniform, universal mechanism for enforcing foreign judicial acts. Each country has developed its own approach to this issue—from the principle of reciprocity and international treaties to the doctrine of comity [3, 4]. This has given rise to extensive literature: researchers analyze both the theoretical foundations (the issues of reconciling sovereignty with the need for international cooperation) and the practical obstacles faced by creditors attempting to enforce foreign judicial decisions [2]. In recent years (2018–2024), significant shifts have been observed in this field—from the conclusion of new multilateral conventions to changes in national legislation and judicial practice influenced by geopolitical factors.

Therefore, the aim of this study is to analyze modern approaches to enforcing foreign court decisions in various legal systems (Kazakhstan, Russia, the USA, China, and European countries). To achieve this aim, the following tasks are set:

1. To explore the international legal foundations and trends in the development of mechanisms for the recognition and enforcement of foreign judicial decisions;
2. To analyze Kazakhstan's national regulation in this area, identifying problems and achievements in judicial practice;
3. To compare Kazakhstan's approaches with those in Russia, the USA, China, and European countries, highlighting common features and differences;
4. To determine the key trends from 2018 to 2024 and identify promising foreign practices that may be of interest to Kazakhstan.

The issue of enforcing foreign judicial decisions is studied at the intersection of international private law, civil procedure, and arbitration. Traditionally, two main instruments are discussed: the conclusion of

international agreements on the mutual recognition of decisions, or the application of the principle of reciprocity based on national law in the absence of an agreement [3]. In the Russian-language literature, particular attention has been paid to the enforcement of decisions within the CIS and under bilateral agreements (for example, in the works of M. Suleimenov et al.), whereas foreign studies often focus on the practical experience of common law countries (the USA, the United Kingdom) from the perspective of the doctrine of comity. Modern publications note the insufficient unification of rules and the associated risks for legal relations [2], but also indicate progress—notably, the adoption of a new Convention on the Enforcement of Foreign Judicial Decisions by the Hague Conference on Private International Law in 2019, aimed at enhancing predictability and reducing costs in cross-border disputes [1]. However, as recent research shows, the effective application of even ratified international norms largely depends on the readiness of national courts to adhere to the spirit of international cooperation or, conversely, to prioritize sovereign interests (for example, through public policy exceptions or politically motivated restrictions) [5]. This study is based on the aforementioned theoretical work and current practice data, which together provide a comprehensive understanding of the present state of the issue.

1. International Legal Mechanisms and Modern Trends

The recognition and enforcement of a foreign judicial decision generally require either an international legal basis (in force between the state issuing the decision and the state enforcing the agreement or convention) or a domestic legal mechanism that permits such a procedure under certain conditions (for example, the presence of the principle of reciprocity). Historically, the greatest success in unification has been achieved in the field of international commercial arbitration—thanks to the 1958 New York Convention on the Enforcement of Foreign Arbitral Awards, to which over 160 states have acceded, making arbitration clauses and awards widely recognized around the world [2]. In contrast, it took the legal community a long time to achieve a similar universal instrument for state court decisions. It was not until 2019 that the Hague Convention on the Recognition and Enforcement of Foreign Judicial Decisions was concluded, which came

into force in September 2023 (currently only for the European Union and Ukraine) [6]. This Convention establishes uniform grounds for recognition and provides an exhaustive list of reasons for refusal, which should increase certainty and reduce the time and costs associated with enforcing decisions abroad [1]. However, its number of participants is still limited, and major economies (the USA, China, Russia, etc.) are only at the stage of considering accession. Thus, during the period 2018–2024, the primary instruments remained bilateral agreements on mutual legal assistance and the national legislation of the states.

In the post-Soviet countries and continental Europe, a contractual approach has traditionally prevailed: a foreign decision is enforced only if there is a corresponding agreement (bilateral or multilateral) between the countries [3]. In the absence of such an agreement, courts automatically refuse enforcement or leave the matter to the discretion of the legislator. As a "fallback" mechanism, the principle of reciprocity is often mentioned – i.e., the court is willing to enforce a decision on the condition that the foreign state would do the same under similar circumstances [3]. In practice, a "who starts first" problem arose: many courts required proof that the courts of the foreign state had previously enforced decisions from that state; otherwise, they would refuse enforcement, making reciprocal enforcement by the foreign court even less attainable [3]. This approach was typical, for example, in Russia until recently. In other jurisdictions, reciprocity is interpreted more flexibly. A notable modern example is China, where in 2022 the Supreme People's Court recommended that, in the absence of direct precedents, courts should examine not the facts of previous enforcement of foreign decisions but rather the legal possibilities: it is sufficient to establish that the legislation of the relevant foreign state permits the recognition of foreign decisions in principle (even if Chinese decisions have not yet been enforced there) [7]. Essentially, this step introduces the concept of presumed reciprocity, greatly facilitating the applicants' task of proving the basis for enforcement. As a result, the number of cases in which Chinese courts have granted enforcement based on reciprocity has increased significantly [8].

Another approach is historically characteristic of common law countries such as the USA and the United Kingdom: there, the absence of an agreement does not

preclude the enforcement of a foreign decision (exequatur) because the doctrine of judicial comity applies [4]. Courts in these countries treat a foreign decision as the basis for a new action (to enforce the debt as provided by a judicial decision) and, in general, recognize it as binding provided that the foreign court had proper jurisdiction and that minimum standards of fairness and due process were observed during the proceedings [9]. Thus, the emphasis is not on the formal existence of an agreement between states but on material criteria such as the finality of the decision and its non-contravention of public order, etc. This approach facilitates creditors' efforts, though it does not preclude refusals in cases where the foreign judicial system is deemed incompatible with the basic requirements of justice. For example, in 2021, a New York state court refused to recognize a monetary decision of a Chinese court, citing the insufficient independence and impartiality of the judicial system of the PRC [9]. Such cases remain rare and are subject to debate, but they are indicative: even in countries with a liberal regime for enforcing foreign decisions, "red lines" (typically related to guarantees of fair trial and fundamental legal principles) persist.

Thus, the examined period has been marked simultaneously by a move toward unification and the emergence of new barriers. On one hand, progressive jurisdictions have taken steps towards mutual recognition of decisions. For example, China has not only relaxed the criteria for reciprocity but has also entered into several new bilateral agreements: as of 2024, China had mutual legal assistance agreements with 39 states, 35 of which contain provisions on the reciprocal enforcement of judicial decisions [8]. On the other hand, geopolitical tensions (sanctions, restrictions on cooperation) have negatively affected the judicial practices of certain countries. A striking example is Russia after 2022: Russian courts began to refuse the enforcement of decisions from "unfriendly" states, citing the lack of evidence of reciprocity under current conditions and even considering the sanctions imposed against Russia as a public order element that prevents the granting of the request [5]. In effect, a presumption has been introduced that after February 2022, courts of unfriendly states will not enforce Russian decisions, and consequently, Russian courts should not enforce their decisions either—a vicious cycle of mutual refusals, contrary to the global trend of

cooperation. Simultaneously, the use of public policy clauses to protect national interests has expanded: for instance, Russian courts have linked the enforcement of foreign (including arbitration) decisions to economic disparities between the parties resulting from sanctions, deeming such enforcement to be contrary to the public interests of the Russian Federation [5].

Another trend has been the creation of specialized jurisdictional mechanisms to attract investments. An example is the MFC (Astana) in Kazakhstan, where an independent AIFC Court has been established modeled on the English judicial system. Its decisions are recognized as equivalent to those of Kazakhstan's national courts and are enforced directly [10, 18]. Although the AIFC Court primarily hears disputes by agreement of the parties, its very existence demonstrates Kazakhstan's commitment to adopting new practices and creating a favorable legal climate. Such innovations, along with participation in international initiatives (for example, potential future accession to the 2019 Hague Convention), indicate that Kazakhstan is geared towards progress in the recognition of foreign judicial acts.

Overall, international practice at the end of the 2010s and the beginning of the 2020s is characterized by a simultaneous movement toward greater legal certainty (through conventions and judicial cooperation) and the emergence of new challenges associated with a crisis of trust between individual states. Against this backdrop, we will now examine in more detail the national regulation and practice of enforcing foreign decisions in the Republic of Kazakhstan, and then conduct a comparative analysis with other key jurisdictions.

2. Legislation and Practice in Kazakhstan for Enforcing Foreign Decisions

In Kazakhstan, the procedure for recognizing and enforcing foreign court decisions is established in Chapter 55 of the Civil Procedure Code of the Republic of Kazakhstan (RK). According to Paragraph 1 of Article 501 of the CPC RK, judicial acts of foreign courts are subject to recognition and compulsory enforcement if at least one of the following conditions is met: (1) such enforcement is provided for by the legislation of the Republic of Kazakhstan; (2) it is provided for by an international treaty ratified by the RK; or (3) it is carried out on the basis of the principle of reciprocity [11].

Thus, the law explicitly permits the enforcement of a foreign decision in Kazakhstan even in the absence of a treaty—on the basis of reciprocity. Nevertheless, in practice, until recently, the first two grounds predominated. Kazakhstan has acceded to several multilateral agreements that include provisions on the enforcement of judicial decisions (among them the Minsk Convention of the CIS, 1993, the Chisinau Convention on Legal Assistance of 2002, etc., applicable to most neighboring states), and has also concluded bilateral agreements on mutual legal assistance with a number of countries (China, Turkey, India, Eastern European and Central Asian states, etc.) [12]. The presence of a treaty usually eliminates any doubts: a Kazakhstani court only verifies compliance with procedural conditions (jurisdiction, proper notification of the defendant, whether enforcement contradicts public order in the RK, correct documentation, etc.) [11]. If no treaty exists, the third criterion—reciprocity—is applied; however, until recently its practical application was uncertain. The Supreme Court of the RK, up until the end of 2023, had not provided clarifications regarding reciprocity, focusing solely on legislation and treaties [11]. Moreover, in the Commentary to the CPC of 2016, the principle of reciprocity was treated merely as a condition enshrined in treaties, effectively reducing its role to contractual frameworks [11]. This led to the view that enforcement is impossible without an international agreement—even though Article 501 of the CPC literally provides otherwise.

Until 2023, the overwhelming majority of cases reaching Kazakhstani courts indeed involved decisions from countries with which Kazakhstan has an agreement [11]. For example, decisions of courts from the Russian Federation, Belarus, and Kyrgyzstan were actively enforced—primarily based on multilateral CIS agreements, and less frequently under bilateral treaties. Such cases usually concluded successfully for the claimants, provided that formalities were observed. However, there were almost no precedents where a foreign act was enforced without a treaty [11]. The situation changed in recent years. In 2023, an uncommon case was reported in open sources: the applicant succeeded in obtaining enforcement of a Dutch court decision in Kazakhstani courts despite the absence of a legal assistance treaty between Kazakhstan and the Netherlands [11]. Lawyers justified

the possibility of enforcement by citing the principle of reciprocity, presenting arguments to the court that Dutch legislation in general permits the recognition of foreign judicial decisions (even if Kazakhstani decisions had not previously been enforced there) [11]. The first-instance court agreed with these arguments and issued an order for the enforcement of the Dutch judicial act, which was subsequently upheld on appeal [11]. Interestingly, the appellate court additionally referred, for some reason, to the New York Convention (presumably by analogy with international arbitration), although the dispute concerned a decision of a Dutch state court [11]. This case demonstrated the readiness of the Kazakhstani judiciary to apply Article 501 of the CPC RK in its entirety, including the principle of reciprocity, and set a precedent for subsequent similar cases.

It should be noted that the position of the Supreme Court has played an important role in the development of practice. In December 2023, the Plenum of the Supreme Court of the Republic of Kazakhstan updated its normative resolution on enforcement issues, explicitly recognizing reciprocity as an independent basis alongside an agreement and the law (which was not present in the 2003 version) [11]. In doing so, the highest judicial authority eliminated a gap and provided lower courts with guidance to consider possible reciprocity even in the absence of an agreement. Although there is not yet a detailed clarification on how to establish the presence of reciprocity—each judge will likely decide this independently based on the evidence presented [11]—the mere fact that the Supreme Court has acknowledged this principle enhances applicants' chances in future disputes. Consequently, *de jure*, Kazakhstan is among those jurisdictions where a foreign decision can be enforced even without a contractual basis—provided that reciprocity exists.

In such cases, an application for recognition and enforcement of a foreign judicial decision is submitted to the court at the place of enforcement (typically, where the debtor or its assets are located). The law provides for relatively short deadlines and a simplified procedure: the case is considered by a single judge without a thorough reexamination of the dispute's facts [2]. The court is not authorized to review the substance of the foreign decision (i.e., to verify the correctness of

the application of substantive law or the soundness of its conclusions) [2]. Its task is to ascertain the presence of grounds for enforcement (an agreement, law, or reciprocity) and the absence of grounds for refusal, which, according to the CPC RK, include: the decision not having entered into legal force; the exclusive jurisdiction of the dispute for RK courts; violations of fundamental principles (public order) in the issuance of the decision abroad; failure to properly notify the defendant; and so on. If the foreign decision is not final in form or implies enforcement that contradicts the sovereignty of the RK, enforcement will be refused. Overall, the list of grounds for refusal corresponds to global practice and largely echoes the provisions of the New York Convention on Arbitrations [2] (for example, breaches of the parties' agreement on jurisdiction, a party's incapacity, lack of notification, etc., are similarly applicable by analogy to court decisions). In the event of a positive outcome, a Kazakhstani court issues an order of recognition and an enforcement order, after which the stage of compulsory enforcement begins in the usual manner. For the debtor, a foreign decision recognized in the RK holds the same force as a decision of a national court.

Despite these positive developments, problems remain. The lack of extensive practice outside of treaty frameworks means that many judges and judicial executors have insufficient experience in such cases [2]. This can affect the duration of proceedings and the consistency of approaches. Additionally, some experts note that Kazakhstani legislation still does not contain a single, unified law governing the enforcement of foreign judicial acts—the relevant norms are scattered across the CPC and the Enforcement Law, complicating their application [2]. However, the steps being taken (with courts increasingly encountering applications from foreign creditors and the Supreme Court refining its clarifications) indicate progressive development.

3. Comparative Analysis: Russia, USA, China, Europe

To assess the peculiarities of the Kazakhstani regime, it is useful to compare it with approaches in several major jurisdictions. Below is a summary table (Table 1) reflecting the main conditions for the recognition and enforcement of foreign judicial decisions in the countries under consideration.

Table 1. Main Conditions for the Enforcement of Foreign Judicial Decisions

Country	Main Legal Bases and Conditions
Kazakhstan	The presence of an international treaty or an agreement on mutual legal assistance; in its absence, enforcement is permitted on the basis of reciprocity if provided for by law [11]. The law explicitly allows for the enforcement of foreign court decisions under one of these conditions. In practice, enforcement is predominantly carried out based on treaties (CIS, bilateral agreements), with rare cases relying on reciprocity (beginning in 2023) [11].
Russia	An international treaty or federal law is required. The RF Civil Procedure Code (state courts) explicitly requires a treaty; the RF Arbitration Procedure Code (commercial courts) permits enforcement without a treaty, but within the framework of the law [3]. The principle of reciprocity is not directly enshrined in the procedural codes, although it was previously recognized as part of the doctrine of comity [3]. In practice, until 2022 there were isolated cases of enforcement of decisions from countries without a treaty (based on reciprocity, if reciprocal enforcement could be demonstrated) [3]. After 2022, however, there is a de facto moratorium on enforcing decisions from “unfriendly” states (refusals due to lack of current reciprocity and public order considerations) [5].
USA	The USA does not participate in multilateral treaties on judicial decisions [4]. Enforcement is regulated by state laws (uniform acts from 1962/2005 adopted in most states) and is based on the principle of comity—respect for a foreign decision provided that the decision is final, substantive, monetary (not punitive), and issued in accordance with due process [4, 9]. Reciprocity is not a mandatory requirement (American courts usually do not refuse enforcement solely because another country does not enforce their decisions). However, there are exceptions: under federal law (SPEECH Act 2010), the enforcement of foreign decisions on defamation that conflict with the First Amendment (freedom of speech) is prohibited. In general, US courts are quite willing to recognize foreign decisions—for example, by 2023 there were at least six cases of Chinese court decisions being recognized by US courts [13], which served as a basis for reciprocity on the part of China. Nevertheless, there have also been refusals motivated by a failure to meet judicial standards (as in the aforementioned case where a New York court refused to recognize a decision of a Chinese court) [9].
China	The law (Articles 281–282 of the CPC of the PRC) provides for enforcement if there is an agreement with a foreign state or if reciprocity is proven. Traditionally, China had a limited number of treaties, and until the 2010s, refusals on the grounds of lack of reciprocity were common. Since 2017, however, there has been a shift: PRC courts have started to recognize reciprocity if a foreign court has ever enforced a decision of a Chinese court. In 2022, the Supreme People’s Court issued a Political Clarification (Conference) with a new, more liberal interpretation of reciprocity [7]: criteria for de jure reciprocity (comparison of legislation), consensual reciprocity, and presumed reciprocity have been introduced. This significantly lowered the threshold—for example, in 2023, a court in Nanning recognized a decision of a Thai court for the first time, even though Thai courts had never previously enforced Chinese decisions, relying

Country	Main Legal Bases and Conditions
	<p>solely on the principle of mutual recognition (presumption). The number of cases of enforcing foreign decisions in China has increased: according to available data, by September 2024 there were 109 cases involving 26 states (including precedents with the USA, Japan, Canada, Singapore, and others). China has also expanded its treaty base—there are 35 bilateral enforcement agreements with various countries [8]. Thus, China has evolved toward greater openness to foreign judicial decisions, especially from countries cooperating under the “Belt and Road” initiative.</p>
Europe	<p>Practices are heterogeneous due to different legal traditions. Within the EU, a unified regime exists (Brussels I bis, Regulation No. 1215/2012), but it only concerns mutual recognition of decisions among member states. Regarding decisions from third countries, each European state is guided by its national law and international agreements. Many continental European countries require reciprocity or a treaty. For example, according to § 328 of the German CPC, a foreign decision is enforced by a German court only if German decisions are likewise recognized in the country of origin (this is presumed for countries with a similar approach, such as the USA and Japan) [14, 15]. France, Spain, and others have traditionally relied on bilateral agreements or applied the doctrine of exequatur with a review of the fundamentals of fairness. The United Kingdom, after Brexit, reverted to a common law regime for non-European decisions: a foreign decision is treated as the basis for a claim, and English courts usually recognize it provided that the criteria of jurisdiction and procedural fairness are met, although they may formally require reciprocity in some cases. An important innovation for Europe was the entry into force of the 2019 Hague Convention on Judicial Decisions on September 1, 2023—it now directly binds the EU and Ukraine with treaty obligations on mutual recognition of decisions [16]. Other European states are expected to accede (the United Kingdom signed the Convention in 2023 and is preparing for ratification [17]). Thus, European practice is gradually moving towards multilateral unification, although national rules and political nuances still play a significant role (for example, the recognition of decisions of Russian courts under sanctions is addressed by EU courts with consideration of public order and current policies).</p>

As can be seen from Table 1, the approaches vary from maximum reliance on international treaties (as was previously the case in Russia and Kazakhstan) to a relatively autonomous regime of comity (in the USA and, to some extent, the United Kingdom), with intermediate models employing the criterion of reciprocity (in Kazakhstan, Russia, China, Germany, etc.), but interpreting it differently. Following reforms,

Kazakhstan is increasingly aligning with a hybrid model: while maintaining a contractual priority, its legislation also permits an autonomous resolution of the issue in the absence of an agreement, thereby aligning it with the global trend toward openness.

To illustrate these trends, let us consider specific examples from practice during 2018–2024 in various jurisdictions that reflect the mentioned tendencies.

Table 2 – Examples of Judicial Practice in the Enforcement of Foreign Decisions (2018–2024)

Case (Year)	Description and Outcome	Jurisdictions
Enforcement of a Dutch Decision in Kazakhstan (2023)	A Dutch company succeeded in having Dutch court decisions recognized by Kazakhstani courts, even though there is no agreement between Kazakhstan and the Netherlands. Basis: the principle of reciprocity. The court found that Dutch law, in general, permits the enforcement of foreign decisions, which was deemed sufficient. Outcome: the decision was enforced; the precedent confirmed the applicability of reciprocity in Kazakhstan [11].	Netherlands → Kazakhstan (without a treaty, based on reciprocity)
Refusal to Enforce a US Court Decision in Russia (2023)	An American creditor attempted to enforce a US court decision in Moscow. A Russian arbitration court demanded proof that, after the imposition of sanctions (after February 28, 2022), US courts continue to enforce decisions of Russian courts—which the applicant, of course, failed to demonstrate. The court referred to the list of “unfriendly states” and the absence of current reciprocity. Outcome: enforcement was refused as it contradicted the principles of reciprocity and the public order of the Russian Federation [5].	USA → Russia (refusal due to sanctions policy and lack of reciprocity)
Recognition of a Thai Decision in China (2024)	A local PRC court in Nanning for the first time recognized a monetary decision of a Thai court. Previously, Chinese decisions had never been enforced in Thailand. Basis: presumed reciprocity according to the Nanning statement of 2017 (a regional agreement between the PRC and ASEAN countries)—the court ruled that since Thai legislation does not, in principle, preclude the recognition of foreign decisions, reciprocity exists. Outcome: the decision was recognized and enforced. This case sets a precedent for the implementation of a new SPC policy that expands the scope of reciprocity.	Thailand → China (without a direct treaty, based on presumed reciprocity)
Recognition of a Japanese Judicial Act in China (2022)	A court in Shanghai recognized the ruling of the Tokyo District Court initiating bankruptcy proceedings (civil rehabilitation) against a debtor. For the first time, a Chinese court enforced a judicial act from Japan, although there had previously been no practice of mutual recognition between the PRC and Japan. Outcome: the decision was successfully recognized, signaling a thaw in judicial cooperation between the two countries.	Japan → China (without a treaty, recognition of the bankruptcy act on the basis of reciprocity)
Recognition of a Chinese Decision in the USA	A court in the state of New York (USA) considered an application for recognition of a monetary decision of the Beijing Court against an American defendant who had assets in the USA. The applicant argued that there were no grounds for refusal, citing that Chinese	China → USA (refusal due to doubts about the

Case (Year)	Description and Outcome	Jurisdictions
(2020)	courts are part of a system compatible with the requirements of fairness. Outcome: the New York court refused, concluding that the PRC judicial system does not meet the criteria of independence and impartiality (the first such precedent) [9]. This case demonstrated that even in the USA, refusals may occur on systemic grounds, although several Chinese decisions had previously been successfully recognized there.	fairness of the judicial system)

The examples provided confirm that the practice of enforcing foreign decisions is dynamically evolving and influenced by both legal reforms and geopolitical factors. The Kazakhstani experience (see the first example) reflects a general trend toward liberalizing the regime – shifting from strict reliance on treaties to a more flexible application of reciprocity, thereby expanding the possibilities for claimants. At the same time, the cases in Russia and the USA demonstrate how political considerations or assessments of the quality of justice in the country of origin can complicate enforcement, even if the law formally permits it. Chinese achievements indicate that persistent institutional changes (such as new clarifications from the Supreme Court and regional initiatives like the Nanning agreement) can substantially increase the number of successfully enforced foreign decisions, including those that were previously unenforceable.

Thus, the comparative analysis shows that as of 2024, Kazakhstan occupies an intermediate position: its legal framework combines elements of both the continental system (contractual approach and reciprocity) and the flexibility characteristic of new trends. Unlike Russia, which is experiencing a rollback due to sanctions, Kazakhstan demonstrates a willingness to cooperate. Unlike the USA, where case law predominates, Kazakhstan has sought to develop more predictable rules through legislation and Supreme Court clarifications. The Chinese experience is particularly illustrative of progress—and Kazakhstan is already taking note of it, aiming to adopt best practices (for example, the idea of presumed reciprocity or special agreements with key trading partners). The European experience (especially the entry into force of the Hague Convention) is also significant, as Kazakhstan, as a participant in the Hague Conference, may in the future join this agreement, which would radically simplify the

enforcement of decisions from many countries.

CONCLUSION

The conducted study allows for several general conclusions. First, the enforcement of foreign judicial decisions in today's world is gradually ceasing to be an exotic matter – significant progress has been made over the past 5–6 years in the international legal framework (such as the adoption of the 2019 Hague Convention and an increase in bilateral agreements) as well as in the practice of national courts (with new precedents recognizing decisions that were previously considered “unenforceable”). Second, a key trend is the shift from a purely formal approach (enforcement only in the presence of a treaty) to one that is more flexible and cooperative. Kazakhstan, as part of this trend, has updated its legislation and practice: today, foreign court decisions can be enforced in Kazakhstan either on a contractual basis or on the basis of proven reciprocity. The first successful reciprocity-based case in 2023 demonstrated the viability of such a mechanism and laid the groundwork for further applications by foreign creditors.

Third, maintaining a balance between sovereignty and international obligations remains crucial. Each country reserves the right to refuse enforcement if it deems such enforcement contrary to its public order or fundamental principles of justice. Examples from Russia (with sanction-driven public order considerations) and the USA (with criticisms of the PRC judicial system) illustrate that policy and values can influence outcomes even when legal mechanisms for recognition exist. For Kazakhstan, it is important to continue refining internal procedures (ensuring uniformity in judicial practice and training judges in the nuances of international cooperation) to eliminate arbitrary refusals and ensure predictability of decisions. The Supreme Court of the RK

has taken a step in this direction by incorporating the principle of reciprocity into its resolution—now, the task for practice is to give this principle concrete content (e.g., criteria for sufficient evidence).

The results of the analysis have practical significance for both legislators and the judiciary, as well as for businesses. For Kazakhstani legislators, the study's findings can serve as a guideline for further modernizing the normative framework: it may be advisable to consider joining the Hague Convention on Judicial Decisions, which would automatically simplify the enforcement of decisions from most developed countries. In addition, it is useful to examine China's experience in issuing detailed judicial guidelines for courts – similar recommendations in the RK (for example, clarifying what constitutes sufficient evidence of reciprocity) would enhance efficiency and reduce variability in practice. For courts and lawyers, this research summarizes current approaches, enabling them to refer to successful cases from foreign practice to support their positions. For instance, when reviewing a motion to recognize a US court decision, a Kazakhstani lawyer can argue that courts in China and several other countries already enforce American decisions, thereby convincing the Kazakhstani court of the existence of international reciprocity and the need to uphold the RK's reputation as a jurisdiction that is friendly to foreign decisions.

For businesses and investors, comparing enforcement regimes provides valuable insights when planning cross-border transactions and choosing dispute resolution methods. Whereas in the past foreign companies might have feared that a decision of their national court would not be enforceable in Kazakhstan, now, given the evolution of practice, they can proceed to court with greater confidence and then seek enforcement here (or, alternatively, include an arbitration clause if that is preferable in terms of universal enforceability). For creditors from Kazakhstan who win disputes abroad, the presented data will help assess their chances of compelling a debtor to pay: for example, in which countries it is more advantageous to file for *exequatur* (today, China is more promising than a few years ago, whereas in Russia the situation has become more complicated).

In summary, Kazakhstan has made significant progress from 2018 to 2024 in creating a favorable regime for enforcing foreign judicial decisions, approaching

advanced international practice standards. The practical implementation of the reciprocity principle and participation in international initiatives will enable the Republic to strengthen its authority as a reliable jurisdiction for investment and legal protection. At the same time, maintaining a balance between national interests and international obligations requires constant attention—as experience shows, both external and internal challenges will test the country's commitment to the principle of *pacta sunt servanda*. The comprehensive analysis of approaches in different countries conducted in this study can serve as a basis for further research and reforms aimed at ensuring the unhindered “movement” of judicial decisions in the global arena, alongside the movement of goods, services, capital, and people. Ultimately, this meets the strategic objective of enhancing the attractiveness of Kazakhstan and other states for international cooperation and the sustainable development of legal ties.

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