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Official Interpretative Acts of Normative Legal Instruments in the Republic of Kazakhstan: Legal Analysis and Issues of Application

The article examines acts of official interpretation concerning normative legal acts issued by executive bodies of the Republic of Kazakhstan, with particular attention to their place within the system of non-normative legal acts. It analyzes their legal nature, functional purpose, and role in the implementation of legislation. The objective of the study is to clarify the legal nature and functional significance of official interpretative acts and to determine their place within the system of non-normative legal acts issued by executive authorities. The research is based on a formal-legal methodology, complemented by an examination of administrative practice in the adoption of such interpretative acts. Based on the provisions of the Law of the Republic of Kazakhstan “On Legal Acts” (2016) and the practice of issuing official interpretations by central executive bodies, the study substantiates its conclusions and develops new scholarly propositions. It argues that, although they do not possess normative legal force, acts of official interpretation play a crucial role in ensuring consistency in the activities of public administration and executive bodies and in reducing legal uncertainty in the sphere of public administration.

Keywords: non-normative legal acts, individual acts, official interpretative acts, executive authorities, law enforcement, Republic of Kazakhstan.

Introduction

However, despite the growing practical relevance of official interpretative acts within Kazakhstan’s system of public administration, their legal nature and functional role remain insufficiently elaborated in national legal scholarship. In much of the existing literature, such acts are examined primarily through the broader categories of interpretation of law or administrative rulemaking, while their independent place within the system of executive legal instruments often receives only limited attention. In the author’s view, this approach does not fully reflect the actual significance of interpretative acts in contemporary administrative practice. The author proceeds from the position that official interpretative acts should not be regarded merely as auxiliary explanatory documents accompanying normative regulation. In practice, they perform a far more substantial function: they shape administrative discretion, influence the day-to-day application of legislation by executive bodies, and directly affect the realization of rights and obligations by individuals and legal entities. At the same time, the expanding use of interpretative acts raises a number of theoretical and practical concerns. Excessively broad or formally unstructured interpretation may create risks of implicit modification of normative content under the guise of clarification. This becomes particularly significant in situations where executive authorities effectively supplement legislative regulation through interpretative practice

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without formally adopting new normative acts. For this reason, the author considers it necessary to examine official interpretative acts not only from the standpoint of legal technique, but also through the prism of legality, limits of administrative discretion, and guarantees of legal certainty.

From this perspective, official interpretative acts represent not simply a technical instrument of explanation, but an increasingly influential element of contemporary administrative governance in Kazakhstan. Their growing role reflects the broader transformation of the relationship between executive power, legal regulation, and the protection of individual rights within the evolving administrative state. The significance of official interpretative acts is also reflected in Kazakhstan's ongoing legal and administrative reforms. The Law of the Republic of Kazakhstan "On Legal Acts" of 2016 [1] provides the legal basis for official interpretation, while the Concept of Legal Policy until 2030 [2] and the Concept for the Development of Public Administration until 2030 [3] highlight the importance of legal certainty and consistency in the application of law.

Both policy frameworks emphasize the need to enhance the quality of regulatory governance, ensure transparency in the activities of executive authorities, and promote a stable and consistent law enforcement practice. As the institutional framework of legal regulation continues to develop, acts of official interpretation are assuming an increasingly important place within the legal system of the Republic of Kazakhstan. Although formally regarded as non-normative instruments, in practice their function extends well beyond a merely supportive role.

The experience of the Russian Federation and the Kyrgyz Republic is especially instructive in this regard, providing a basis for identifying common patterns in the functioning of official interpretative acts as a form of non-normative legal instruments [4], as well as for outlining potential avenues for their further development in Kazakhstan [5]. The increasing role of official interpretative acts in the activities of executive authorities has brought renewed attention to a number of issues that remain unsettled in Kazakhstani legal scholarship. There is no generally accepted view of their legal nature, and their place within the system of non-normative legal acts remains a matter of discussion. At the same time, insufficient attention has been paid to the limits of official interpretation and its relationship with law-making. As a result, the criteria for distinguishing interpretation from the effective expansion of regulatory content have yet to be clearly articulated. This uncertainty is reflected not only in legal doctrine but also in administrative practice, where the legal significance of interpretative acts is often assessed inconsistently.

A.V. Gabov's study of official explanations issued in the context of anti-sanctions regulation highlights their role not only in ensuring the uniform application of legal provisions, but also in maintaining coherence in state regulatory policy. His findings suggest that official interpretative acts have acquired an increasingly important place in contemporary legal regulation, which calls for closer attention to their legal nature and position within the system of executive legal acts [6; 46]. Abdrasulova A.E. likewise points to gaps in the legal regulation of official interpretation in Kazakhstan. Her comparative analysis of EAEU member states suggests that questions concerning the legal framework, procedures, and institutional organization of interpretative activity remain only partially resolved, which continues to generate practical difficulties in the application of normative legal acts [7; 11-12]. Polezhaev D.A. examines official interpretation through the prism of administrative discretion, noting that explanatory acts often reflect choices made by public authorities when applying broadly framed legal requirements. His analysis highlights the continuing difficulty of distinguishing between interpretation and the effective shaping of regulatory outcomes [8; 138].

These considerations underscore both the scholarly and practical relevance of the present study. It seeks to advance a comprehensive understanding of official interpretative acts of normative legal instruments not only as a distinct category of non-normative legal acts, but also as an integral component of the broader mechanism of legal regulation and of the law enforcement activities carried out by executive authorities in the Republic of Kazakhstan.

The purpose of this study is to provide a comprehensive theoretical and legal analysis of the nature, institutional position, and functional significance of official interpretative acts of normative legal instruments within the system of legal regulation in the Republic of Kazakhstan. It also seeks to clarify their role in promoting consistency in law enforcement practice and enhancing the effectiveness of executive authorities in the context of ongoing administrative and legal reforms.

To achieve this objective, the article addresses a set of interrelated tasks:

- to elucidate the essence of official interpretative acts beyond their formal definition, identifying their actual place within the system of legal acts in Kazakhstan at the point where the boundary between the norm itself and its understanding becomes particularly nuanced;

- to conceptualize their legal nature as a distinct category of non-normative acts that emerge within the sphere of law enforcement, where executive authorities do not formally create law, yet inevitably shape its practical operation;
- to identify and substantiate the underlying principles of official interpretation, treating them not as abstract declarations but as operative criteria through which the requirements of legality, legal certainty, and transparency in public administration are realized;
- to compare approaches to the institution of official interpretation across different legal systems—primarily those of the Russian Federation and the Kyrgyz Republic—in order to reveal not only structural similarities but also differences in legal culture and interpretative practice;
- to formulate, on the basis of this analysis, conclusions and recommendations aimed not merely at supplementing the existing regulatory framework, but at guiding its further development, while maintaining a delicate balance between the need for authoritative interpretation and the risk of encroaching upon the sphere of law-making.

Methods and Materials

The study is grounded in a combination of general scientific and specialized legal research methods. A formal legal approach was employed to examine the provisions of the Law of the Republic of Kazakhstan “On Legal Acts”, along with subordinate legislation and interpretative documents issued by executive authorities [1]. A systemic and structural method made it possible to situate official interpretative acts within the broader framework of legal instruments and administrative decision-making. The use of a logical-legal method facilitated an assessment of the internal coherence and functional orientation of these acts. In addition, a comparative legal approach was applied to analyze the regulation and practice of official interpretation in the Republic of Kazakhstan, the Russian Federation [5], and the Kyrgyz Republic [4].

The normative basis of the research includes the Constitution of the Republic of Kazakhstan [9], the Law “On Legal Acts” [1], and other regulatory legal acts governing the adoption and application of official interpretative acts by executive authorities. The study also considers the provisions of the Concept of Legal Policy of the Republic of Kazakhstan until 2030 [2] and the Concept for the Development of Public Administration until 2030 [3], since both documents largely determine the current direction of administrative and legal reforms in Kazakhstan.

The empirical material of the research consists of 13 official interpretative acts adopted by central executive bodies of the Republic of Kazakhstan [10–22]. The examination of these materials made it possible to trace how interpretative powers are exercised in practice and to identify a number of recurring problems related to the uniform application of legislation.

The theoretical foundation of the study is based on the works of Kazakhstani and foreign scholars in the fields of administrative law, legal theory, legal interpretation, and law enforcement [23; 100-101]. Their approaches were used not only as background material, but also as a basis for assessing different views on the legal nature of official interpretative acts and their place within the system of executive legal instruments.

The research methodology combines both general scientific and special legal methods. The formal legal method was used in the analysis of legislative provisions regulating interpretative activity. Comparative legal analysis helped identify differences in doctrinal approaches to the understanding of official interpretative acts and their practical role in administrative governance. Systemic analysis was applied to examine the relationship between interpretative acts, administrative procedures, and law enforcement mechanisms. In addition, elements of analytical interpretation were used when studying administrative and judicial practice related to official explanations issued by executive authorities.

Results

The conducted research made it possible to move beyond the purely formal understanding of official interpretative acts that has long prevailed in domestic legal literature. In practice, these acts function not simply as auxiliary clarifications accompanying normative regulation, but as an independent legal mechanism through which executive authorities shape a uniform approach to the implementation of legislation. Although such acts do not formally amend legal norms or create new rules of conduct, they substantially influence the way existing provisions are understood and applied within administrative practice.

The analysis demonstrated that the legal nature of official interpretative acts cannot be reduced solely to technical explanations of legislative wording. Their actual role is considerably broader. They operate at the intersection of law enforcement and administrative regulation, where the executive authority, while remain-

ing formally outside the sphere of lawmaking, nonetheless participates in shaping the practical meaning of legal norms. In this respect, interpretative acts serve not only a clarifying function but also a coordinating one, since they help establish consistent administrative approaches among different state bodies and officials.

The authors view acts of official interpretation as a separate category of legal acts issued by executive authorities. These acts cannot be fully equated either with individual administrative decisions or with internal administrative documents. Their distinctive feature is that, while they do not establish legal norms, they nevertheless shape the application of existing legislation by providing authoritative guidance for administrative and enforcement practice. Particular attention in the study was devoted to the principles underlying official interpretation. The research showed that legality, legal certainty, transparency, reasonableness, and consistency are not merely declarative foundations of interpretative activity. In administrative practice these principles act as practical safeguards limiting arbitrary interpretation by public authorities. The absence of clear interpretative guidance frequently leads to fragmented enforcement practices, contradictory administrative decisions, and unequal treatment of individuals in similar legal situations. Official explanatory acts therefore perform a compensatory function aimed at preserving predictability in public administration.

The study also revealed that the practical significance of interpretative acts increases proportionally with the growth of legislative complexity. The continuing expansion of regulatory material, the accelerated pace of legal reforms, and the broad use of blanket and reference provisions create conditions in which executive authorities inevitably face difficulties in ensuring uniform implementation of legislation. Under such circumstances, official interpretation becomes not an exceptional mechanism but a regularly used instrument of administrative coordination.

Comparative analysis of the legal systems of the Russian Federation and the Kyrgyz Republic demonstrated that, despite similarities in the general purpose of interpretative acts, the institutional models of official interpretation differ in meaningful ways. In the Russian legal system, interpretative practice has developed through a more extensive doctrinal and judicial elaboration of the distinction between normative clarification and hidden lawmaking. In the Kyrgyz Republic, interpretative mechanisms remain more closely connected to the administrative structure of executive bodies themselves [4, 5]. These differences reflect not only variations in legislative technique but also broader distinctions in administrative legal culture and in the degree of proceduralization of public administration.

The research further established that one of the central unresolved issues in Kazakhstani practice concerns the boundary between permissible official interpretation and the de facto expansion of regulatory content through interpretative acts. In a number of cases, interpretative documents issued by executive authorities influence the practical scope of rights and obligations more substantially than the original normative provisions themselves. This creates a risk of substituting legislative regulation with departmental interpretation, particularly in areas characterized by extensive administrative discretion. In this regard, the study substantiates the need for a more precise differentiation between interpretative activity and quasi-lawmaking practices within the executive branch. The absence of clearly articulated legal criteria for such differentiation continues to generate uncertainty both in administrative practice and in judicial assessment of explanatory acts. Strengthening procedural requirements concerning the adoption, publication, and legal justification of official interpretative acts would therefore contribute not only to greater transparency of executive activity but also to reinforcing guarantees of legality and legal certainty.

The novelty of the obtained results lies in the fact that official interpretative acts are examined not as secondary technical instruments of legal clarification, but as a structurally significant element of the contemporary administrative-law mechanism. The study demonstrates that the growing role of interpretation reflects a broader transformation of public administration itself from a model based primarily on formal execution of normative prescriptions toward a more procedurally organized system in which interpretation increasingly influences the practical realization of rights, duties, and administrative discretion.

On this basis, the research formulates the conclusion that further development of the institution of official interpretation in Kazakhstan requires not only legislative refinement but also a clearer doctrinal understanding of the limits and functions of interpretative authority. Without such clarification, the expansion of explanatory practice may gradually weaken the distinction between implementation of law and indirect participation in lawmaking by executive bodies.

The findings are grounded in an examination of official interpretative acts adopted by central executive bodies responsible for a range of areas of public administration, including healthcare, environmental protection, public-private partnerships, finance, foreign affairs, and subsoil management. Similar trends observed

across these regulatory fields indicate that the empirical material provides a sufficiently broad basis for analysis and lends additional support to the conclusions reached in the study.

Discussion

In contemporary legal systems, ensuring the uniform application of normative legal acts constitutes one of the central tasks of public administration. It is at the stage of implementing legal norms that gaps, conflicts, and ambiguities become most apparent-factors that can undermine the effectiveness of public governance and compromise the principle of legal certainty. The distinctive feature of the executive branch lies in its continuous interaction with private individuals and organizations, as well as in the breadth of public functions it performs, many of which require detailed procedural regulation and clearly defined administrative frameworks. Under such conditions, even formally clear legal provisions may give rise to divergent interpretations in practice, shaped by variations in administrative practice, differences in the professional competence of officials, and the institutional specificities of particular authorities.

Here is a substantially reworked version that preserves the academic substance and legal terminology while making the text read more naturally and less formulaic:

Acts of official interpretation of normative legal acts occupy a particular place within the legal framework of the Republic of Kazakhstan, serving not only as an auxiliary instrument of legal implementation but also as an independent mechanism contributing to the overall effectiveness of law-enforcement activity. Their growing relevance is closely connected with the increasing sophistication of modern legislation, the multilayered structure of the system of normative legal acts, and the practical need to secure a uniform understanding and application of legal provisions across both public-law and private-law relations. As Kazakhstan continues to pursue legislative modernization alongside comprehensive administrative reforms, the practical importance of interpretative acts has become progressively more pronounced. Through such instruments, legal provisions are translated into workable administrative practice and adapted to concrete socio-economic and institutional conditions in which they are applied.

Under the Law of the Republic of Kazakhstan "On Legal Acts", official interpretation is intended to eliminate inconsistencies arising in the course of applying normative legal acts and is not associated with the introduction of amendments or additions to their substantive content [1]. This characteristic fundamentally differentiates interpretative acts from normative legal acts and supports their classification as non-normative instruments operating within the sphere of law enforcement. The distinction is particularly important for determining their place both within the system of legal sources and within the broader framework through which legislation is implemented in practice. Such acts do not establish new legal prescriptions; rather, they perform an organizational and facilitating function aimed at ensuring the correct and consistent application of existing legal norms by executive authorities. In this regard, official interpretative acts may be viewed as a form of secondary legal regulation concerned not with the creation of new rules of conduct, but with securing the coherent realization of already existing normative provisions.

From a theoretical legal perspective, such acts may be viewed as an intermediate link between normative regulation and individual law-enforcement decisions. Although they lack normative character, they possess a generalizing function and are addressed to an indefinite range of law-appliers. This allows them to be conceptualized as a distinct form of administrative legal interpretation, carried out within the competence of executive bodies and aimed at maintaining the coherence and stability of administrative practice.

In the theory of administrative law, administrative acts are traditionally classified along several dimensions: by their legal significance (normative and non-normative), by the scope of addressees (individual acts and those addressed to an indeterminate group), by functional purpose (regulatory, procedural, interpretative, and informational), and by their sphere of operation (intra-agency and external) [23; 100-101]. Within this framework, acts of official interpretation occupy a distinctive position. They are non-normative administrative acts of an interpretative and organizational nature, primarily directed at public administration bodies and subordinate entities, yet in practice they also shape the conduct of private actors by establishing stable patterns of administrative response.

At the same time, the research showed that official interpretative acts issued specifically by executive authorities still remain only fragmentarily examined in contemporary Kazakhstani legal scholarship. Domestic studies usually address this issue indirectly most often within broader discussions of administrative acts, law-enforcement practice, or general questions of legal interpretation. Because of this, explanatory acts of executive bodies are frequently treated as a secondary procedural instrument rather than as an independent legal phenomenon with its own functions, legal characteristics, and practical effects.

This tendency is noticeable throughout the available literature. Most authors focus either on judicial interpretation or on general issues of administrative procedure. Questions connected with interpretative activity of executive authorities are usually mentioned only briefly and, as a rule, alongside other forms of non-normative administrative decisions. In many cases, different legal instruments are grouped together without a clear distinction between interpretative acts, organizational acts, methodological recommendations, and individual administrative decisions. As a result, the specific legal nature of official explanatory acts issued by executive authorities often remains insufficiently defined.

The present research proceeds from a different perspective. The article examines interpretative acts of executive authorities not as an accompanying technical element of administrative practice, but as a separate mechanism influencing the practical operation of legislation. Particular attention is paid to their role in ensuring uniform law enforcement, limiting excessive administrative discretion, and maintaining legal certainty in relations between public authorities and private persons. This difference in approach is important not only theoretically, but methodologically as well. Studies devoted to administrative acts in general usually analyze interpretative activity only as one element within a much broader system of public administration. In the present work, by contrast, official explanatory acts themselves constitute the central object of analysis. This made it possible to examine more closely how executive authorities actually shape approaches to the application of legal norms in everyday administrative practice.

The research also revealed another important point. Despite the growing practical significance of interpretative acts, specialized studies devoted exclusively to this category of legal instruments remain extremely limited in Kazakhstan. In practice, the issue is often overshadowed by broader discussions concerning administrative justice, administrative procedures, or the classification of administrative acts as a whole. Because of this, direct comparison with existing domestic scholarship is not always possible. Comparable studies focusing specifically on official interpretative acts of executive authorities as an independent object of research remain relatively rare. At the same time, this absence of extensive specialized literature increases the relevance of the present study itself. The lack of clearly developed doctrinal approaches partly explains why interpretative practice of executive authorities continues to evolve unevenly, while the boundary between interpretation and de facto regulatory activity still remains uncertain in both theory and practice.

In practice, they shape consistent administrative approaches and operational standards, which in turn influence the conduct of private actors engaged in legal relations with the state. A defining feature of acts of official interpretation is the absence of law-making content. They do not introduce new standards of conduct or modify existing legal rules. Instead, official interpretative acts clarify and elaborate on provisions that are already in force. Rather, they serve to explain how applicable provisions ought to be interpreted and implemented, especially in recurring practical situations. In this respect, they occupy an intermediate position within the legal system: unlike normative acts, they do not possess autonomous regulatory authority, and unlike individual administrative decisions, they are not aimed at producing direct legal consequences for specifically designated persons. Their legal function is thus auxiliary and facilitative in relation to the primary framework of normative regulation.

The significance of acts of official interpretation within the system of public administration is primarily reflected in their capacity to enhance legal certainty and reduce the risks associated with inconsistent application of legislation. By means of these interpretative tools, executive bodies help maintain consistency in administrative practice, curb excessive discretion by officials, and encourage more uniform approaches to how rights and duties are exercised within administrative and other public-law relationships. In conditions where legislation is both intricate and subject to frequent change, such acts take on a stabilizing role in the application of law, reinforcing confidence in public administration and enhancing the overall quality of regulatory governance.

It is equally relevant to situate these decisions within the broader typology of administrative action based on their place in the governance cycle, namely, strategic, tactical, and operational levels. Official interpretative acts are most appropriately associated with the tactical tier, as they are aimed at refining the day-to-day processes of implementing legislation and resolving practical issues that emerge in the course of executing public functions.

In this way, they serve as a mechanism for adapting normative regulation to specific socioeconomic conditions without altering the formal legal structure of existing norms.

Unlike individual administrative acts, which generate concrete legal consequences for a specific addressee such as the granting of licenses, appointment to public office, or the imposition of sanctions—interpretative acts neither create, modify, nor terminate subjective rights and obligations.

The connection between official interpretative acts and the broader process of administrative decision-making is also apparent at the procedural level. In carrying out their responsibilities, executive authorities must respond in a timely manner both to changes in legislation and to practical issues that emerge during the application of legal norms.

At the same time, the introduction of amendments to normative legal acts is generally associated with complex and time-consuming law-making procedures involving interdepartmental coordination, expert evaluation, and mandatory state registration. In this context, interpretative non-normative acts provide a means of ensuring flexibility in administrative regulation and enable the adaptation of law-enforcement practice to evolving conditions without undermining the principle of legality or the formal hierarchy of legal acts.

Moreover, such acts perform a coordinating function within the system of executive power by promoting uniform approaches across territorial subdivisions and reducing departmental fragmentation in law enforcement practice. This is particularly significant in a unitary state with a developed system of central and local executive bodies, where inconsistencies in practice may lead to violations of the principle of equality before the law and the state [9].

The practical significance of acts of official interpretation as non-normative instruments of executive authorities is clearly demonstrated through such forms as official letters, methodological guidelines, and interpretative instructions issued by competent public bodies.

Official interpretative acts issued by the Ministry of National Economy of the Republic of Kazakhstan reveal a clear and consistent move toward institutionalizing interpretative practice in the field of public-private partnership (PPP) implementation [10]. Their content indicates that these acts do not operate as sources of new legal rules; rather, they serve as instruments for clarifying and harmonizing law enforcement in situations marked by regulatory ambiguity.

An examination of the first interpretative act, concerning the Rules for planning and implementing PPP projects, shows that it is primarily aimed at specifying the financial and legal implications of early termination of contractual obligations. In particular, it addresses compensation payments in cases where a contract is terminated due to the fault of the public partner, as well as in situations involving force majeure. Without altering the substance of the underlying legal provisions, the interpretative act effectively establishes a uniform approach to construing such categories as “lost income” and “other payments”. This clarification is critical for ensuring legal certainty and enhancing the predictability of the investment environment.

The second interpretative act focuses on the more institutional dimensions of the PPP framework. It addresses, *inter alia*, the classification of projects into national and local categories, as well as the criteria for designating projects as being of special significance. This reflects a practical need among implementing authorities for a clear delineation of competences and procedural regimes, a need that arises from the multitiered structure of public administration in Kazakhstan. Given that the underlying regulatory instrument (Order No. 725) sets out only general principles, the interpretative act performs a coordinating function by promoting consistency in the actions of executive bodies operating at different levels [11].

Taken together, the interpretative acts examined confirm that official clarifications issued by central executive authorities constitute an integral component of the law-enforcement framework in the relevant regulatory domain. They reduce legal risks associated with divergent interpretations of statutory provisions while simultaneously preserving regulatory flexibility without requiring formal amendments to the existing legal framework.

An illustrative example is provided by the interpretative act addressing the application of the Rules governing the identification, assessment, and registration of historically contaminated sites. This act reflects a typical form of interpretative engagement by an authorized body within the field of environmental regulation, prompted by the procedural complexity and multistage nature of the regulatory process. Its content demonstrates a clear effort to ensure a consistent understanding of Article 143 of the Environmental Code of the Republic of Kazakhstan, as well as the relevant secondary legislation, by clarifying the procedural algorithm for including sites in the state register [12].

A central feature of the interpretative act under consideration is its detailed elaboration of the procedural dimension-specifically, the process by which a suspected site is classified as an object of historical contamination and subsequently recorded. The regulatory provisions set out in the Rules are largely framework in nature and therefore require further interpretation at the stage of practical application. This is particularly evident with regard to the criteria for identifying such sites, the sequence of actions to be undertaken by competent authorities, and the formal documentation of assessment outcomes. In this context, the interpreta-

tive act performs not only a clarifying but also a methodological function, establishing a standardized approach to the implementation of environmental procedures.

An especially important issue relates to the legal consequences that follow the inclusion of a site in the state register of historically contaminated areas. This measure is not merely classificatory; it activates specific legal duties—above all, obligations to undertake remediation—and may restrict certain forms of economic activity within the designated territory. Considering the wider social and environmental impact of such decisions, interpretative acts play a key role in minimizing the risk of divergent or overly discretionary application of the relevant legal provisions. At the same time, they help preserve a balanced relationship between public environmental interests and the rights of business actors.

A similar dynamic can be observed in interpretative guidance relating to auctions conducted under paragraph 4 of Article 278 of the Code of the Republic of Kazakhstan “On Subsoil and Subsoil Use”. In this context, such clarifications reflect a wider pattern characteristic of the extractive sector, where complex procedural frameworks frequently require additional interpretative support to ensure their consistent and effective implementation.

In the present case, the interpretative clarification is directed toward specifying the requirements governing both the composition and the substantive content of documents submitted within the application process, with particular emphasis on materials confirming the applicant’s professional, technical, and financial capabilities [13].

The analytical value of this clarification derives from its role in removing uncertainty generated by the interaction between the provisions of the Code and the subordinate Rules regulating auction procedures.

Although these requirements are formally, in practice they are frequently expressed in overly general and abstract language. As a result, administrative bodies may apply them differently from one case to another. This lack of consistency increases the likelihood of unequal treatment and can, in turn, influence the competitive environment. By establishing a uniform approach to evidence, the interpretative act essentially defines how applicants are expected to prove that they possess the qualifications, resources, and capacities necessary for participation. As the analysis demonstrates, acts of official clarification occupy a distinctive and, in many respects, intermediate position within the legal system. They cannot be fully attributed either to the sphere of lawmaking or to the sphere of law enforcement in its traditional understanding. On the one hand, such acts do not create new legal prescriptions; on the other, they cannot be reduced to a purely mechanical reproduction of existing regulatory provisions. A closer analysis of these acts shows that their role goes beyond providing purely technical explanations. In reality, they reflect a far more nuanced interpretative process. When issuing such clarifications, authorized bodies do not simply restate legal provisions. They reconstruct their practical meaning by interpreting them in connection with other related legislative norms and regulatory requirements. This understanding corresponds with the position advanced by G.A. Vasilevich, who regards interpretation as an integral element of legal implementation, since the practical application of legal norms necessarily requires the clarification of their meaning and scope [24; 20].

For example, explanatory guidance issued by the Ministry of Health illustrates an attempt not merely to clarify individual sanitary rules, but to place them within a wider regulatory context. This context may include urban planning requirements, hygiene standards, and risk assessment criteria, all of which are treated as interconnected elements of the broader legal framework. This represents not a literal reading but a systematic interpretation of norms, requiring specialized legal reasoning [14, 15].

In this context, a crucial feature emerges: explanatory acts function as a form of mediation between abstract legal norms and concrete real-world situations. By their nature, laws generalize, whereas legal application demands specificity. Explanatory acts bridge this gap, allowing the norm to “resonate” in practical terms. Consequently, such acts often take on a casuistic character, they arise in response to specific inquiries, uncertainties, or the confrontation of normative provisions with practical realities.

In this context, interpretative acts function as a means of aligning law-enforcement practice, effectively serving as authoritative guidance that explains, in practical terms, how a given legal norm should be applied in accordance with the principle of uniformity.

An illustrative example is provided by an official interpretative act of the Ministry of Foreign Affairs, which, drawing on established principles of international law, offers clarification of Article 20 of the Law of the Republic of Kazakhstan “On International Treaties” [16].

In such contexts, explanatory acts take on an additional layer of significance: they do not merely clarify the content of legal norms, but also communicate the state’s official legal position. In this sense, these acts extend beyond domestic law enforcement, becoming instruments of both legal and foreign policy.

The official interpretative act issued by the Ministry of Justice of the Republic of Kazakhstan is aimed at clarifying the content of paragraph 8–3 of the Model Regulations on Legal Services within state bodies. The very fact that this provision required clarification indicates practical difficulties in its application, particularly with regard to understanding the role and functional scope of legal services within public authorities [17].

At its core, the interpretative act does not introduce new legal rules; rather, it provides a more precise understanding of an existing norm. Since provisions governing the activities of legal services are often formulated in broad and general terms, their application in practice may give rise to differing interpretative approaches. In practice, the act helps bring order to the application of the rule. It sets out a common way of understanding how the provision is meant to work. As a result, the likelihood of mistakes or overly free interpretation is noticeably reduced.

It also matters who issues such clarification. In this case, it comes from the Ministry of Justice, which is tasked with ensuring coherence and consistency across the entire system of public administration.

Its involvement lends particular authority to the interpretation, effectively setting a common standard for how state bodies structure and carry out the work of their legal services. At the same time, this dual positioning exposes an underlying tension. On the one hand, explanatory acts formally remain non-normative—they are not intended to create new rules. On the other hand, the depth and precision of their interpretation can bring them close to de-facto regulation. The boundary between interpretation and “hidden” norm creation is often fluid, especially when an explanatory act does more than clarify a provision and effectively determines the only acceptable way it may be applied.

The analysis of additional official interpretative acts [18–22] issued by central executive authorities of the Republic of Kazakhstan reveals a consistent pattern in their orientation toward concrete practical issues arising in the course of law enforcement. These instruments are not designed to establish new regulatory frameworks; rather, they are intended to refine and clarify the meaning of existing legal provisions.

Considered as a whole, the materials reviewed suggest that interpretative practice in Kazakhstan’s current legal system serves a distinctly stabilizing role.

This observation points to a broader conclusion. Explanatory acts should not be seen merely as ancillary instruments; they reflect the level of development of the legal system itself.

Preserving an appropriate equilibrium between the clarification of existing legal provisions and respect for the supremacy of formally enacted legislation remains one of the principal challenges facing the continued development of interpretative practice.

Acts of official interpretation issued by executive authorities form a separate category of non-regulatory legal acts. Their function is straightforward: to explain how existing legal provisions should be understood and applied in administrative practice. Without such clarification, identical legal rules may be interpreted differently by different state bodies. The result inconsistent enforcement and legal uncertainty.

Interpretative acts do not establish new legal obligations. Formally, they remain outside the system of normative legal acts. Still, reducing their role to “mere explanation” would be misleading. In reality, executive authorities rely on these documents when applying legislation on a daily basis. Citizens and organizations encounter this not in theory, but in concrete administrative procedures: licensing, inspections, public services, tax administration, migration matters.

Because of this, official interpretation affects the actual operation of legal norms. Much depends not only on the wording of a statute itself, but on the administrative understanding behind it. Sometimes that understanding becomes more influential than the legislative text. Especially where legal provisions are broad, vague, or internally inconsistent.

This raises an obvious question: where is the boundary between interpretation and de facto regulation? In practice, the distinction is not always clear. Some interpretative acts merely clarify legislative intent. Others go further and effectively supplement the content of legal regulation. The issue remains unresolved and continues to provoke discussion in administrative law scholarship. The practical importance of this distinction extends beyond legal theory. As Zaripov has shown, interpretative acts may become the subject of judicial scrutiny where their legal effects go beyond mere clarification and influence the rights and obligations of affected persons [25; 19].

There is also a more practical problem. Access to official interpretative acts remains extremely limited. While preparing this study, the authors encountered fragmented publications, isolated departmental explanations, and, in many instances, the complete absence of publicly available materials. Finding relevant interpretative documents often requires searching through separate ministerial resources, unofficial databases, or ar-

chived correspondence. A centralized electronic register could significantly improve the situation. Particularly now, when digitalization has become a central principle of public administration rather than a purely technical reform. Such a system would make administrative practice more transparent and help ensure greater consistency in the application of legislation. Measures of this kind would contribute to strengthening legal certainty while simultaneously reducing dependence on internal departmental channels of communication in the process of applying legal norms.

The conclusions reached in this study are based not only on doctrinal analysis, but also on the examination of interpretative acts issued by central executive authorities working in very different regulatory fields. The materials reviewed covered environmental regulation, public-private partnership, healthcare, subsoil use, and foreign affairs. Despite the differences between these sectors, the analysis revealed a number of recurring features. Similar approaches to interpretation, comparable legal functions, and common practical objectives appeared across almost all of the examined materials. This point is important. The interpretative acts under consideration were adopted by different authorities, in different administrative contexts, and for different practical purposes. Yet they demonstrated remarkably similar institutional characteristics. In each case, interpretation was used not to create new legal rules, but to stabilize administrative practice where legislative provisions alone proved insufficiently clear for uniform application.

The research also showed that interpretative practice in Kazakhstan has gradually developed its own recognizable administrative logic. Regardless of the specific regulatory sphere involved, executive authorities tend to rely on explanatory acts in situations where legislation contains broad wording, procedural uncertainty, or overlapping regulatory requirements. In practice, such acts often become a working mechanism for aligning approaches between state bodies and reducing inconsistencies in day-to-day law enforcement.

Conceptually, the study proceeds from the understanding that official interpretation occupies an intermediate position between normative regulation and practical administrative implementation. Interpretative acts therefore cannot be viewed merely as auxiliary technical documents accompanying legislation. Their role is considerably broader.

In many situations, these acts function as a form of legal mediation between abstract statutory provisions and the realities of administrative practice. Through interpretation, executive authorities effectively adapt legislative norms to concrete procedural situations without formally altering the content of the law itself. This explains why interpretative acts play such a noticeable role in maintaining continuity, predictability, and coherence in the operation of public administration.

Overall, official explanatory acts should be regarded as an independent and substantively important component of the legal system. They contribute to the coherence and stability of regulatory practice, minimize legal uncertainty, and promote greater consistency in law enforcement. At the same time, the further institutional development of this mechanism requires a more precise delineation of interpretative authority in order to preserve the delicate boundary separating legitimate interpretation from *de facto* lawmaking.

Considered through the lens of legal certainty, acts of official interpretation serve an important role in promoting coherence and predictability in the application of legal norms by executive authorities. In doing so, they contribute to the stability of administrative practice and reduce the risk of divergent interpretations. The reliability of the obtained results is supported by the analysis of official interpretative acts issued by several central executive bodies operating in different spheres of public administration, including healthcare, environmental regulation, public-private partnership, finance, foreign affairs, and subsoil use. The consistency of the identified patterns across different sectors confirms the representative nature of the empirical material and increases the validity of the conclusions.

Conclusions

The research leads to a broader conclusion: official interpretative acts issued by executive authorities play a far more noticeable role in Kazakhstan's legal system than is usually reflected in administrative-law literature. Formally, these documents remain outside the system of normative legal acts. In practice, however, they strongly influence how legislation is actually understood and applied by state bodies in everyday administrative work. This becomes especially evident in areas where regulation is dense, legislation changes frequently, and officials retain broad discretionary powers. The study also showed that explanatory acts cannot be viewed as purely technical clarifications. Their practical role is much wider. In many situations, executive authorities rely on such acts to maintain consistency in administrative practice without constantly revising legislation itself. Through interpretative documents, state bodies gradually develop stable approaches to applying legal norms, eliminate contradictions in administrative practice, and adapt abstract legislative pro-

visions to concrete practical circumstances. For this reason, interpretative acts increasingly affect the real functioning of public administration even though they formally remain non-normative in character.

Particular attention was given to the place these acts occupy within the broader system of administrative decisions. They differ from normative legal acts because they do not establish new rules of conduct. At the same time, they also differ from individual administrative acts, since they are not aimed at resolving one specific case concerning an individually identified person. Their role is more nuanced. In effect, explanatory acts operate between legislation and its practical implementation, linking abstract legal provisions with the realities of administrative decision-making.

The materials examined in the article further suggest that interpretative practice in Kazakhstan is no longer occasional or fragmented. Similar approaches to official clarification can now be observed across very different sectors of public administration, including environmental regulation, healthcare, public-private partnership, subsoil use, and international legal cooperation. This recurring pattern is difficult to treat as accidental. It indicates that explanatory acts have gradually become a relatively stable element of administrative practice rather than a subsidiary instrument used only in exceptional cases.

The practical significance of the study appears in several interconnected areas.

First, the conclusions formulated in the article may be useful for the development of legislation governing administrative procedures and non-normative acts of executive authorities. The research revealed several unresolved issues that continue to create difficulties in practice. Among them are the absence of clear criteria separating interpretative acts from de facto regulatory decisions, insufficient procedural regulation of official clarification, and the limited accessibility of interpretative materials for citizens, businesses, and even public officials themselves.

Second, the results may also be applied directly in the work of executive authorities. A clearer understanding of the legal nature and limits of interpretative activity could help reduce situations in which explanatory acts effectively replace normative regulation. This issue is especially sensitive in areas where administrative discretion remains broad and where inconsistent interpretation may substantially affect the rights and legitimate interests of private persons.

The study may likewise have practical value for administrative courts. One of the central difficulties in judicial practice concerns determining whether a particular explanatory act merely clarifies existing legislation or, in substance, introduces additional regulatory requirements that go beyond the competence of the issuing authority. As Kazakhstan's system of administrative justice continues to develop, this distinction is becoming increasingly important not only theoretically, but in concrete judicial practice as well. Another issue identified during the research concerns transparency. In practice, access to official interpretative acts remains inconsistent and often fragmented. Some explanations are published openly, others circulate only within departmental practice, while certain interpretative materials are difficult to locate even through official resources. During the preparation of this study, relevant documents frequently had to be collected from separate ministerial sources, archived correspondence, and scattered administrative publications. Under these conditions, the creation of a unified electronic register of official interpretative acts could significantly improve legal accessibility and strengthen consistency in administrative practice.

Overall, the study supports the view that official interpretative acts issued by executive authorities should be regarded as an independent category of non-normative legal instruments within Kazakhstan's system of public administration. Their practical importance is already evident. At the same time, the expansion of interpretative practice inevitably raises a more difficult question: where does legitimate interpretation end and implicit norm-making begin? The answer remains unsettled both in legal doctrine and in administrative practice. Much will depend on how consistently this boundary is maintained in future legislation, judicial review, and the everyday activity of executive authorities themselves.

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Қазақстан Республикасындағы нормативтік құқықтық актілерге ресми түсіндірме беру актілері: құқықтық талдау және қолдану мәселелері

Мақалада Қазақстан Республикасының атқарушы органдары шығаратын нормативтік-құқықтық актілерді ресми түсіндіру актілері қарастырылды және олардың нормативтік емес актілер жүйесіндегі орны талданған. Зерттеу барысында олардың құқықтық табиғаты, функционалдық мәні және заңнаманы іске асыру механизміндегі рөлі зерттелді. Зерттеудің мақсаты — ресми түсіндіру актілерінің құқықтық сипаты мен функционалдық мақсатын талдау, сондай-ақ оларды атқарушы органдардың нормативтік емес құқықтық актілер жүйесіндегі орнына сәйкес анықтау. Сонымен қатар зерттеу формальды-құқықтық әдісті қолдануға негізделген және ресми түсіндіру актілерін шығару тәжірибесін талдаумен толықтырылған. 2016 жылғы «Құқықтық актілер туралы» Қазақстан Республикасы Заңының ережелеріне, Қазақстан Республикасының орталық атқарушы органдарының нормативтік құқықтық актілерін ресми түсіндіру актілеріне сүйене отырып, ресми түсіндіру актілері нормативтік құқықтық күшінің болмауына қарамастан, атқарушы және басқарушылық қызметтің біркелкілігін қамтамасыз етуде және атқарушы билік саласындағы құқықтық белгісіздікті азайтуда маңызды рөл атқаратыны туралы қорытынды мен жаңа ғылыми ұсыныстар тұжырымдалған.

Кілт сөздер: нормативтік емес құқықтық актілер, жеке актілер, ресми түсіндірме актілері, атқарушы органдар, құқық қолдану, Қазақстан Республикасы.

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Акты официального разъяснения нормативных правовых актов в Республике Казахстан: правовой анализ и вопросы применения

В статье рассматриваются акты официального разъяснения нормативных правовых актов, издаваемые исполнительными органами Республики Казахстан в контексте их отношения к системе ненормативных актов. Анализируется их правовая природа, функциональное назначение и место в механизме реализации законодательства. Цель исследования заключается в анализе правовой природы, функционального назначения и определении места актов официального разъяснения в системе ненормативных правовых актов исполнительных органов. Исследование основано на применении формально-юридического подхода, дополненного анализом практики издания актов официального разъяснения. На основе положений Закона Республики Казахстан «О правовых актах» 2016 года, актов официального разъяснения нормативных правовых актов центральных исполнительных органов Республики Казахстан обосновываются вывод и новые научные предложения о том, что акты официального разъяснения, несмотря на отсутствие нормативной юридической силы, играют ключевую роль в обеспечении единообразия исполнении и распорядительной деятельности и снижении правовой неопределённости в сфере исполнительной власти.

Ключевые слова: ненормативные правовые акты, индивидуальные акты, акты официального разъяснения, исполнительные органы, правоприменение, Республика Казахстан.

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