

ABSTRACT

to the dissertation submitted for the degree of
Doctor of Philosophy (PhD)
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“Sociological analysis of mediation in the resolving family disputes in Kazakhstan”

General characteristics of the study. The dissertation research is devoted to a comprehensive sociological analysis of the formation and development of the mediation institution within the system of family dispute resolution in Kazakhstan, examining its role both as a social institution and as an alternative mechanism for conflict settlement. The study explores the institutional structure of mediation, its socio-cultural and communicative characteristics, public perceptions, factors influencing its effectiveness, and the constraints affecting its development. Particular attention is given to the analysis of the regulatory and legal framework, official statistical data, and international scholarly literature, including studies indexed in the Scopus database. The empirical component of the research is based on a mixed-methods approach and incorporates the results of a nationwide social survey conducted among citizens of Kazakhstan (n = 1,200), semi-structured expert interviews with professional mediators (n = 19), and in-depth interviews with respondents who had experience participating in family mediation procedures (n = 5). The findings made it possible to assess the social effectiveness and institutional potential of family mediation in Kazakhstan, as well as to identify key directions for its further development. This approach enabled the identification of the social determinants of family disputes, levels of public awareness and trust in mediation, and the distinctive features of mediators’ professional practices. Data analysis was carried out through the application of statistical methods using SPSS software alongside qualitative analytical techniques, ensuring a multidimensional understanding of the phenomenon under investigation.

Relevance of the dissertation research. The relevance of studying the institution of mediation in the regulation of family disputes in Kazakhstan is closely associated with ongoing demographic, socio-legal, and institutional transformations. In contemporary society, the changing nature of family relations, the persistent rate of divorce, and the widespread occurrence of family-related legal disputes have intensified the demand for effective and socially oriented mechanisms of conflict resolution.

– The fluctuating dynamics of marriage and divorce rates in Kazakhstan, together with the substantial proportion of family-related legal disputes within the overall structure of civil litigation, indicate the ongoing transformation of the family as a social institution.

– The increasing complexity of family relationships, shifts in gender roles, socio-economic instability, and the diversification of individual life strategies are reshaping the nature and dynamics of family conflicts in contemporary society.

– Both international and Kazakhstani practice demonstrate the growing significance of mediation as a mechanism for dispute resolution. Although Kazakhstan

has established a regulatory framework and institutional infrastructure for mediation, issues related to its public perception, patterns of application, and determinants of effectiveness remain insufficiently explored in academic research.

– A considerable proportion of family disputes directly affect the interests and well-being of minor children, making the search for constructive and non-adversarial methods of conflict resolution particularly important from both social and legal perspectives.

The study of the mediation institution in the regulation of family disputes in Kazakhstan therefore possesses substantial scientific and practical significance within the broader context of the transformation of family relations, the modernization of the legal system, and the promotion of social stability.

The aim of this research is to provide a comprehensive sociological analysis of mediation as an institution and practice of family dispute resolution in Kazakhstan, as well as to identify its socio-cultural, institutional, and communicative characteristics, the factors determining its effectiveness, and the limitations affecting its functioning within the context of contemporary Kazakhstani society.

The purpose of the dissertation research is achieved through the following objectives:

– to systematize and critically analyze the major sociological, legal, and interdisciplinary theories explaining the nature and dynamics of family disputes;

– to identify and examine conceptual approaches that interpret mediation as a social institution, a communicative practice, and a mechanism for restoring social relationships and resolving interpersonal conflicts;

– to analyze international models of family mediation, determine their institutional characteristics and underlying principles, and assess their applicability within the Kazakhstani context;

– to examine the current state of the family mediation institution in Kazakhstan, including its regulatory and legal framework, institutional infrastructure, and specific patterns of development;

– to investigate the nature, prevalence, and key socio-demographic determinants of family disputes in contemporary Kazakhstani society;

– to assess the level of public awareness of mediation, patterns of recourse to mediators, and public perceptions regarding the role and functions of mediators in family dispute resolution;

– to evaluate the social effectiveness of family mediation, levels of trust in mediation procedures, and the attitudes and experiences of participants involved in mediation processes;

– to identify the typology of family disputes, prevailing dispute resolution scenarios, and the principal constraints affecting mediation practice on the basis of expert professional perspectives, and to develop evidence-based recommendations for strengthening and further advancing family mediation in Kazakhstan.

Object of the study. The object of the study is family disputes and the processes of their resolution in contemporary Kazakhstani society.

Subject of the study. The subject of the study is mediation as a social institution and practical mechanism for the resolution of family disputes in Kazakhstan, including

its institutional structure, communicative practices, socio-cultural dimensions, and patterns of application within the family conflict resolution system.

The theoretical and methodological foundation. The study is grounded in contemporary theoretical and methodological approaches to the comprehensive analysis of mediation and family disputes as social phenomena. To ensure a multidimensional understanding of the subject under investigation, the research employs a combination of quantitative and qualitative methods. The quantitative component includes a sociological survey conducted among the population of Kazakhstan, as well as statistical techniques aimed at identifying relationships between socio-demographic characteristics, the prevalence and nature of family disputes, and public attitudes toward mediation. The qualitative component is based on semi-structured expert interviews conducted with professional mediators and representatives of relevant institutional structures. These interviews provided deeper insights into mediators' professional experiences, communicative strategies, and interpretations of the mediation process in the context of family conflict resolution. Data analysis was carried out using specialized software packages, which ensured the reliability and validity of the research findings. The application of a mixed-methods research design made it possible to integrate macro-level and micro-level perspectives, thereby enhancing both the analytical depth and methodological rigor of the study.

The theoretical framework of the research draws upon several major sociological traditions. Classical theories of conflict developed by Émile Durkheim, Talcott Parsons, Lewis Coser, and Ralf Dahrendorf provide a foundation for understanding family disputes as manifestations of social tensions, normative contradictions, and structural conflicts embedded within broader social systems. From this perspective, family conflicts are not merely private interpersonal disagreements but reflections of wider transformations occurring within social institutions and value structures. Jürgen Habermas's theory of communicative action offers a conceptual basis for interpreting mediation as a space of rational dialogue, mutual understanding, and consensus-building. Within this framework, mediation is viewed as a communicative process through which disputing parties seek to overcome strategic action and restore social coordination through reasoned interaction and negotiated agreement. The symbolic interactionist perspective highlights the significance of meanings, role expectations, subjective interpretations, and everyday interactions in the development and resolution of family disputes. This approach facilitates an understanding of how conflict situations are socially constructed and continuously negotiated through communication between participants. Institutional approaches associated with Peter Berger, Thomas Luckmann, Niklas Luhmann, and Pierre Bourdieu conceptualize mediation as an institutionalized social practice operating at the intersection of legal norms, cultural codes, professional expertise, and systems of social interaction. These perspectives emphasize the ways in which mediation acquires legitimacy, reproduces institutional rules, and shapes patterns of conflict regulation within society. Taken together, this theoretical and methodological foundation provides a comprehensive framework for analyzing mediation as a mechanism for transforming family conflicts, restoring social relationships, reducing social tensions, and strengthening social cohesion within the context of contemporary Kazakhstani society.

Scientific novelty of the dissertation research. The scientific novelty of the study is determined by its relevance and its contribution to the sociological understanding of mediation as a social institution within the context of family dispute resolution in Kazakhstan.

1. A systematic socio-conceptual model of family mediation was developed. The proposed model integrates conflict theory, the theory of communicative action, symbolic interactionism, and institutional sociology, conceptualizing mediation as a hybrid socio-legal institution that combines regulatory, restorative, and communicative functions. This approach expands existing interpretations of mediation beyond its predominantly legal understanding and situates it within a broader sociological framework.

2. An analytical framework was proposed that interprets mediation as a social practice emerging at the intersection of legal norms, cultural-cognitive codes, and everyday social interactions. This framework makes it possible to conceptualize mediation not only as a mechanism of negotiated dispute settlement but also as an effective means of preserving social relationships and maintaining social cohesion following family breakdown and divorce.

3. Using the SPIDER methodology and bibliometric tools implemented in RStudio, a comprehensive map of the international scientific discourse on family mediation indexed in the Scopus database was constructed. The analysis identified the principal thematic clusters, leading scholarly schools, collaboration networks, and major developmental trends within the field, thereby providing a systematic overview of the evolution of family mediation research.

4. New empirical evidence on family disputes and mediation in Kazakhstan was introduced into the scholarly literature. A nationwide survey involving 1,200 respondents generated original data on public attitudes toward mediation, levels of institutional trust, conflict-related behavioral patterns, and the factors influencing support for the implementation of mandatory mediation procedures.

5. Based on expert interviews with professional mediators, an interactional typology of family disputes and a set of institutional mediation scenarios were developed. The proposed typology incorporates patterns of interaction between disputing parties, power asymmetries, emotional dynamics, communication styles, and decision-making processes, thereby providing a sociological framework for understanding the complexity of family conflict resolution.

6. A comparative institutional analysis of mediation and judicial proceedings was conducted, revealing significant differences in decision-making logic, structures of responsibility, procedural dynamics, and social consequences. The findings substantiate mediation as an autonomous social institution capable of contributing to social stability, conflict de-escalation, and the preservation of interpersonal relationships.

7. The institutional infrastructure of family mediation in Kazakhstan was comprehensively examined, leading to the identification of the principal institutional, organizational, and cultural barriers constraining its development. On this basis, scientifically grounded recommendations were formulated to enhance the legitimacy,

accessibility, and effectiveness of mediation within the national dispute resolution system.

The findings of the study expand both the theoretical and applied understanding of mediation as a social mechanism for the regulation of family disputes. They contribute to the development of sociological knowledge concerning conflict resolution, institutional change, and communicative practices, while also offering practical insights for the advancement of alternative dispute resolution mechanisms in Kazakhstan.

Theoretical and practical significance. Within the framework of this study, the theoretical foundations for analyzing mediation as a social institution of family dispute resolution were developed, and a comprehensive sociological examination of the factors influencing the dynamics of family conflicts and the effectiveness of their resolution was conducted. Mediation was conceptualized not merely as a legal procedure but also as a communicative and socio-cultural practice aimed at restoring interaction between disputing parties, rebuilding social relationships, and reducing social tensions. Particular attention was devoted to identifying the key social, institutional, and value-based determinants shaping public trust in mediation and influencing individuals' willingness to resolve disputes through alternative mechanisms. The conceptual advancement of mediation as a social institution contributes to the development of effective pre-trial mechanisms for family dispute resolution, the reduction of pressures on the judicial system, and the strengthening of the family as a fundamental social institution. Furthermore, it facilitates the preservation of social ties and promotes constructive forms of conflict management. Of particular importance is the identification of the role played by mediators' communicative strategies and professional practices in transforming conflicts and facilitating the achievement of sustainable and mutually acceptable agreements.

The practical significance of the study lies in the development of scientifically grounded recommendations aimed at improving public policy in the field of family dispute resolution and the advancement of mediation in Kazakhstan. These recommendations focus on increasing public awareness of mediation, strengthening institutional infrastructure, enhancing professional standards for mediators, and introducing effective communication and educational strategies designed to promote the wider adoption of mediation practices. The findings of the research may be utilized by governmental bodies, judicial institutions, mediation centers, and professional associations of mediators in the development of policies and practical initiatives related to family dispute resolution. In addition, the results may serve as a valuable resource for designing educational programs, professional training courses, and capacity-building initiatives for specialists working in the fields of mediation, conflict resolution, and social policy.

Structure of the dissertation. The dissertation consists of an introduction, 3 chapters, 8 sections, 23 subsections, a conclusion, a list of references, and appendices. The total length of the dissertation is 204 pages.