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## FORENSIC RELIGIOUS EXPERTISE IN KAZAKHSTAN: INSTITUTIONAL FRAMEWORK AND ANALYTICAL APPROACHES

<sup>a</sup>Kamilya TLEUBAYEVA  , <sup>a</sup>Yuliya SHAPOVAL  

<sup>a</sup> L.N. Gumilyov Eurasian National University, Astana, Kazakhstan

 [shapovaluv@gmail.com](mailto:shapovaluv@gmail.com)

**Abstract.** This article examines the process of institutionalization of forensic religious expertise and analyzes the methodological approaches applied in its practice. Based on the study, three stages in the formation and institutional development of forensic religious expertise are identified, each shaped by the broader social and political context.

The article shows that the expansion of the anti-extremist agenda and the strengthening of state regulation of the religious sphere actualize the problem of finding a balance between the observance of the right to freedom of religion guaranteed by the Constitution of the Republic of Kazakhstan and ensuring the national security of the state. The authors argue that the quality of forensic religious expertise constitutes a key element of such a balanced approach, as it helps to reduce the risks of unjustified restrictions on freedom of religion, particularly with regard to religious communities representing a minority of the population.

The study highlights the quality criteria for the production of judicial religious expertise, among which special emphasis is placed on the objectivity, independence, and impartiality of expertise, the choice of relevant methods, as well as the strict boundaries of the competence of a religious expert. The authors show that the processes of digitalization of religion and society are changing the characteristics of the objects of expertise and forms of communication, which requires improving the methodology and methodological support of expertise and forensic experts in religious studies.

**Keywords:** state religious policy; forensic religious expertise; religion and law; freedom of religion; competence of the forensic expert in religious studies; digital religious content.

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## ҚАЗАҚСТАНДАҒЫ СОТТЫҚ ДІНТАНУ САРАПТАМАСЫ: ИНСТИТУТТАНДЫРУ ЖӘНЕ ӘДІСНАМАЛЫҚ ТӘСІЛДЕР

<sup>а</sup>Камиля ТЛЕУБАЕВА, <sup>а</sup>Юлия ШАПОВАЛ

<sup>а</sup> Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан

## СУДЕБНАЯ РЕЛИГИОВЕДЧЕСКАЯ ЭКСПЕРТИЗА В КАЗАХСТАНЕ: ИНСТИТУЦИОНАЛИЗАЦИЯ И МЕТОДОЛОГИЧЕСКИЕ ПОДХОДЫ

<sup>а</sup>Камиля ТЛЕУБАЕВА, <sup>а</sup>Юлия ШАПОВАЛ

<sup>а</sup> Евразийский национальный университет имени Л.Н. Гумилева, Астана, Казахстан

**Аңдатпа.** Мақала сот дінтанушылық сараптамасын институционалдандыру және оны жүргізу барысында қолданылатын әдіснамалық тәсілдерді зерттеуге бағытталған.

Жүргізілген зерттеулер негізінде сот дінтанушылық сараптамасының әлеуметтік және саяси даму контекстінде қалыптасуы мен институционалдануының үш кезеңі белгіленіп сипатталды. Мақалада антиэкстремизмдік бағдардың кеңеюі мен дін саласындағы мемлекеттік реттеудің күшеюі, Қазақстан Республикасының Конституциясында кепілдік берілген діни сенім бостандығының орындалуы мен мемлекеттің ұлттық қауіпсіздігін қамтамасыз ету арасындағы тепе-теңдікті табу мәселесін өзектілігі көрсетілген. Авторлар сот дінтанушылық сараптамасының сапасы аз санды діни бірлестіктерге қатысты діни сенім бостандығы құқығының бұзылу қаупін төмендетінін үйлесімді тәсілдің маңызды компоненті екендігін дәлелдейді. Зерттеу барысында сот дінтанушылық сараптаманы жүргізу сапасының критерийлері айқындалды, соның ішінде объективтілікке, сараптаманың тәуелсіздігі мен бейтараптылығына және релевантты әдістердің таңдалуы мен дінтану сарапшысының құзыреттілігінің қатаң шектелуіне ерекше мән берілді. Авторлар дін мен қоғамдағы цифрлану процестері сараптама объектілерінің сипаттары мен коммуникация формаларын өзгертетіндігін және сараптаманың әдістік және әдіснамалық сүйемелдеуін, сонымен қатар дінтанушы-сарапшылардың кәсіби біліктілігін жетілдіруді талап ететіндігін көрсетеді. **Түйін сөздер:** мемлекеттік діни саясат; сот дінтанушылық сараптамасы; дін және құқық; діни сенім бостандығы; дінтанушы-сарапшының құзыреттілігі; цифрлы діни контент.

**Аннотация.** Статья посвящена анализу процесса институционализации судебной религиозно-ведческой экспертизы и изучению методологических подходов, применяемых при ее производстве. Исходя из проведенного исследования, выделены и охарактеризованы три этапа становления и институционализации судебной религиозно-ведческой экспертизы в зависимости от социального и политического контекста ее развития. В статье показано, что расширение антиэкстремистской повестки и усиление государственного регулирования религиозной сферы актуализируют проблему нахождения баланса между гарантированным Конституцией Республики Казахстан соблюдением права на свободу вероисповедания и обеспечением национальной безопасности государства. Авторы аргументируют, что качество судебной религиозной экспертизы является важным компонентом сбалансированного подхода, снижающего риски нарушения права на свободу вероисповедания в отношении религиозных объединений, представляющих меньшинство населения страны. В ходе исследования выделены критерии качества производства судебной религиозно-ведческой экспертизы, среди которых особый акцент сделан на объективности, независимости и непредвзятости экспертизы, выборе релевантных методов, а также строгих границ компетенций эксперта-религиоведа. Авторы показывают, что процессы цифровизации религии и общества изменяют характеристики объектов экспертизы и формы коммуникации, что требует совершенствования методологии и методического сопровождения экспертизы и профессиональных компетенций экспертов-религиоведов.

**Ключевые слова:** государственная религиозная политика, судебная религиозно-ведческая экспертиза; религия и право, свобода вероисповедания, компетенция эксперта-религиоведа, цифровой религиозный контент.

## Introduction

Forensic religious expertise in the Republic of Kazakhstan constitutes a specialized area of applied religious studies that has developed at the intersection of academic religious studies, forensic expert practice, and legal regulation. Its emergence and development are closely linked to the expanding use of specialized expert knowledge in criminal proceedings in which materials of a religious nature serve as the objects of examination.

The demand for forensic religious expertise in Kazakhstan increased significantly in response to the threats of religiously motivated extremism, particularly following terrorist attacks in 2011 (Aktobe, Atyrau, Taraz) and in 2016 (Aktobe, Almaty). These events were accompanied by a rise in criminal cases under Articles 174, 179, and 182 of the Criminal Code of the Republic of Kazakhstan, which are applied to individuals and organizations accused of extremism and terrorism. The strengthening of the anti-extremism agenda was further reflected in the adoption of a series of legislative and policy measures. Alongside the Laws of the Republic of Kazakhstan “On Counteracting Terrorism” (1999) and “On Counteracting Extremism” (2005), state programs were developed, including the State Program on Countering Religious Extremism and Terrorism in the Republic of Kazakhstan for 2013-2017 and for 2018–2022, both of which focus on ensuring national security.

Russian scholar K. R. Kirushin notes that Kazakhstan, alongside Uzbekistan and Kyrgyzstan, has accumulated substantial experience in appointing and conducting forensic religious expertise in the investigation of cases related to religiously motivated extremism (Kirushin, 2024: 129).

At the same time, a number of international scholars analyzing the experience of post-Soviet states point out that the extensive application of anti-extremism legislation, combined with the division of the religious landscape into “traditional” and “non-traditional” religions, entails serious risks for the realization of constitutionally guaranteed freedom of religion. In this context, as noted by M. Shterin and D. Dubrovsky (2019: 218-219), T. Vagramenko and F. Arqueros (2023: 88-89), and I. Aslanova (2023: 94), religious minorities are particularly vulnerable. For these communities, the legal legitimation of restrictions and increased regulation in the religious sphere often becomes a juridical basis for religious discrimination and processes of securitization.

Researchers such as Aslanova I., Vagramenko T., and Arkeros F. acutely raise the question of the quality of judicial religious expertise in a situation where, in many post-Soviet countries, it is an important part of criminal law enforcement practice and judicial proceedings in cases with a religious component and, accordingly, is used to pronounce sentences that determine the fate of people and organizations. They argue that low-quality and biased judicial religious studies expertise, dependent on political orders and full of cliches and stereotypes, contributes to the criminalization of religious teaching and the activities of religious communities and believers, and turns into “criminotheology” or “legal sectology” (Vagramenko, Arqueros, 2023: 95).

Questions of quality in forensic religious expertise are further intensified by the rapid growth of religious materials, the increasing diversity and complexity of forms of religious communication in digital environments, and the corresponding rise in criminal cases and judicial proceedings related to such content (Shterin, Dubrovsky, 2019: 218-219). M. Shterin notes that the use of academic expert knowledge and expert research in legal decision-making

is a widespread feature of contemporary societies. Consequently, the quality of such expertise becomes a critical issue that ultimately affects social development and the lives of individuals.

Despite the growing practical importance of forensic religious expertise within Kazakhstan's legal system and the accumulated experience of its application, this field remains insufficiently examined and conceptually underdeveloped in Kazakhstani academic science. The majority of existing studies focus on the analysis of the religious situation in the country (Zabirova et al., 2025; Burova, Dzhamanbalaeva, 2023), state religious policy, and counter-extremism measures in the context of national security (Arystanbekuly et al., 2025). Issues related specifically to the appointment and conduct of forensic religious expertise in Kazakhstan have been addressed in the work of researcher and forensic expert in religious studies D. R. Mussina (2018). The role of forensic religious expertise in countering religious and political extremism has also been examined in a collective monograph (Abdirasilkyzy et al., 2017).

The aim of this article is to analyze the development of forensic religious expertise in post-Soviet Kazakhstan. The study pursues three interrelated objectives. First, it identifies and conceptualizes the stages of formation and institutionalization of forensic religious expertise. Second, it analyses the methodological foundations of forensic religious expertise and formulates criteria for assessing its quality. Third, it examines the key challenges facing forensic religious expertise at the current stage of its development, as well as its prospects.

Scientific understanding of forensic religious expertise has the potential to contribute to the improvement of law enforcement and judicial practice by enhancing the quality, consistency, and reliability of expert conclusions.

## **Materials and Methods**

The selection of materials and methodological approaches was determined by the specific nature of forensic religious expertise as a form of expert activity situated at the intersection of religious studies, legal regulation, and law enforcement practice.

The materials used in the study can be divided into three main groups. The first group consists of laws and regulatory legal acts of the Republic of Kazakhstan that govern state religious policy, as well as those regulating forensic expert activity in general and forensic religious expertise in particular. The second group includes academic and methodological publications produced by Kazakhstani forensic experts in the field of religious studies. The third group comprises expert interviews with forensic experts in religious studies in the Republic of Kazakhstan. These interviews were used in a generalized form and served as an additional source for identifying methodological aspects of forensic religious expertise, criteria of quality, as well as key problems and prospects for its development at the present stage.

One of the research methods used was the analysis of laws and regulations related to forensic expertise in the field of religious studies. Also, the method of analyzing and summarizing a wide range of literature was widely used to identify quality criteria, risks and problems typical for the production of forensic religious expertise in the Russian Federation, Kyrgyzstan and Kazakhstan. The historical method was used to identify the stages of formation and institutionalization of this type of forensic expertise, while the study of law enforcement practice was carried out using a case study approach.

It should be noted that forensic religious expertise and its materials in Kazakhstan are a field of limited access, which has led to difficulties and limitations of this study.

The Formation of Forensic Religious Expertise in the Republic of Kazakhstan: Stages and Institutionalization.

Most scholars agree that the development of forensic religious expertise in post-Soviet countries has been significantly shaped by their Soviet legacy. K. Kirushin proposes a four-stage periodization of the development of forensic religious expertise in the Russian Federation, which includes the Soviet period. This stage was characterized by strict state control over religious activity and, after 1943, by the involvement of academic specialists in the field of scientific atheism to provide expert assessments of specific religious groups and movements (Kirushin, 2024: 11-12). Other researchers, analyzing court cases against representatives of so-called “non-traditional” religious groups that constitute religious minorities in the post-Soviet Russian context, point to the persistence of negative attitudes, suspicion, stereotypes, and the routine classification of such groups as “sects” (Vagramenko & Arqueros, 2023: 84-87). This continuity is also evident in archival documents related to Soviet religious policy in Soviet Kazakhstan. Beginning in the 1920s, all Protestant denominations (except for Lutherans) were officially designated as “sects” in state records. For example, “A Review of the State of the Religious Movement in the Kustanai Region” (May 1, 1928) contained a section entitled “Sectarianism,” which provides information about Baptists, Evangelicals, Molokans, Adventists, and others (Archive of the President of the Republic of Kazakhstan, F.141, op.1, d. 2251, ll. 49-54).

After the collapse of the Soviet Union and the adoption by the former Soviet republics of liberal legislation in the field of religion, along with the emergence of religious minorities from underground, missionaries of various religious trends arrived in these countries, which led to unprecedented religious diversity and pluralism. In the context of the loss of ideological orientations, as well as active missionary activity, there was an increase in the number of people who joined these new religious communities. This led to concern among the government authorities, who relied on the “traditional” ethno-confessional identities and religions of the majority of the population in nation-building process.

As a result, in response to the growth of religious diversity and the number of believers in the ranks of the so-called “non-traditional” and new religious groups, the anti-cult movement has intensified with its rhetoric about “cults”, “sects”, “destructive movements” against religious minority communities such as Pentecostals, Charismatic movements, Jehovah’s Witnesses, the Krishnas and others. At the same time, within the framework of the anti-cult movement, pro-government actors promoted narratives about traditional values and traditional religions, as well as a gradual tightening of legislation in the field of religion (Belyakova, Kliueva, 2023:2).

All of the processes outlined above were also characteristic of post-Soviet Kazakhstan. Taking into account the influence of the Soviet legacy, this study seeks to identify the main stages in the formation of forensic religious expertise in independent Kazakhstan. The adoption of the liberal Law “On Freedom of Religion and Religious Associations” (1992) created legal conditions for religious pluralism in the country. The law (Article 9) introduced a reference to religious studies expertise, which could be appointed in the context of registering a religious association. Further, in 2004 and 2005, the Law amended the regulations on religious expertise, in particular, it stipulated that the state has the right to conduct religious expertise on the grounds established

by legislative acts of the Republic of Kazakhstan. It was about the implementation of the state's religious studies expertise by the authorized government agency, the Committee on Religious Affairs. This form of state religious studies expertise was applied in procedures related to the registration of religious associations, as well as to the importation and distribution of religious materials. Its conduct was regulated by the Rules for Conducting Religious Studies Expertise, adopted by a governmental resolution in 2007, which were subsequently revised and supplemented.

Forensic religious expertise, however, followed a longer and more complex path of formation and institutionalization. The stages of its development were shaped by the broader context in which forensic expert activity evolved. Analytically, three stages may be distinguished. The first stage (2000-2011) was associated with the above-mentioned anti-cult movement, which opposed the spread of so-called “non-traditional” or new religious groups within Kazakhstani society. Participants in the anti-cult movement included not only relatives of believers, but also representatives of the public and the academic community.

Within academia, including scholars who were occasionally engaged as experts on religious matters, two broad positions can be identified. One group of scholars, including Ya. Trofimov and A. Artemyev viewed the growth of religious pluralism as an expression of freedom of religion and opposed restrictive legislation in the religious sphere (Artemyev, 2004: 159). Another group approached the spread of new religious movements with greater caution, raising concerns about confessional or spiritual security and advocating stronger state regulation of their activities (Kurganskaya et al., 2004; Burova, 2011).

During this period, media discourse and academic publications increasingly adopted the terminology of “traditional” and “non-traditional” religions, as well as notions of “destructive sects,” “pseudo-religions,” and “destructive influence.” Representatives of the Russian anti-cult movement travelled to Kazakhstan to deliver lectures and conduct training sessions. In particular, one of the authors of this article attended a lecture by the anti-cult activist A. L. Dvorkin on so-called totalitarian sects, as well as a psychological training session led by E. N. Volkov that focused on techniques commonly described as “thought reform” or “mind control.” From 2001 onwards, centers providing assistance to alleged victims of destructive sects, along with dedicated hotlines, began to appear across Kazakhstan. By 2009, a total of thirteen such centers were in operation.

This period was also marked by a series of court cases involving new religious movements. In 2008, one of the leaders of a local cell of the religious movement Alla-Ayat, K. K. Almesova, was convicted under Article 164 of the Criminal Code of the Republic of Kazakhstan (incitement of interethnic, religious, clan, and racial hatred). A number of additional criminal cases were initiated against followers of the Alla-Ayat movement on charges related to causing harm to health. Ultimately, on the basis of a court decision, the activities of the movement were banned. The investigation of these cases involved the appointment of various forms of forensic expertise, including forensic psychological-linguistic and forensic medical examinations.

Court proceedings were also conducted against the Church of Scientology, which likewise resulted in a judicial decision banning the organization's activities in Kazakhstan. During the period, forensic religious expertise did not yet exist as a separate form of expert examination and was conducted within the framework of forensic psychological-linguistic expertise.

In addition, as experts note, prior to 2004, forensic examinations primarily concerned religious materials produced by Jehovah's Witnesses, the Church of Scientology, and the Alla-

Ayat movement. However, a shift occurred towards materials associated with various Islamic organizations and movements, such as Hizb ut-Tahrir, as well as lectures by different Islamic preachers. This trend has been increasing in the period 2008-2011. As a result, judicial practice increasingly required experts with specialized knowledge in religious studies and Islamic studies, which in turn created the conditions for the emergence of forensic religious expertise as a distinct type of expert examination.

The second stage in the formation of forensic religious expertise (2012-2017) unfolded in the context of state measures aimed at countering religiously motivated extremism and the intensification of the anti-extremism agenda following the terrorist attacks of 2011 and 2016. This period was marked by the adoption of the new Law of the Republic of Kazakhstan “On Religious Activity and Religious Associations” (2012). In its preamble, the law emphasizes the special historical role of Islam of the Hanafi madhhab and Orthodox Christianity in the development of the culture and spiritual life of the people, thereby formally reinforcing a division of the religious landscape into “traditional” and “non-traditional” religions.

A separate provision of the law (Article 6) is devoted to state religious studies expertise. The law also includes a number of articles prohibiting the activities of religious associations linked to violence against citizens, harm to health, the dissolution of families, the severance of family ties, or damage to morality (Article 12); to blackmail, deception, and the unlawful alienation of property (Article 13); and to the disruption of the functioning of state bodies (Article 15). These provisions correlate with the Criminal Code of the Republic of Kazakhstan (2014), thereby introducing a criminalized dimension into the legal interpretation of the activities of religious associations. Although the law does not explicitly regulate forensic religious expertise as a separate category, the overall tone of the legislation and the scope of the above provisions undoubtedly influenced its subsequent institutionalization as an independent type of forensic examination.

As noted by experts N. Mukanova, N. Mussina, and others who have been involved in court proceedings related to religious issues, “since 2012, the majority of materials submitted for religious studies examination have consisted of content promoting armed conflict in Syria, encouraging the departure of citizens to zones of military hostilities, as well as religious materials associated with Salafi interpretations of Islam” (Abdrasilkyzy et al., 2017: 78). According to media reports, the number of criminal cases related to religious extremism and terrorism has increased, as reflected in the revised Criminal Code of the Republic of Kazakhstan adopted in 2014.

These cases are primarily prosecuted under Article 174 (incitement of social, national, clan, racial, class, or religious hatred), Article 179 (violent change of the constitutional order), Article 256 (propaganda of terrorism and calls for the commission of terrorist acts), Article 257 (creation of or participation in the activities of a terrorist group), and Article 405 (organization of or participation in the activities of a public or religious association following a court decision banning its activities due to involvement in extremist or terrorist acts). D. Mussina also highlights the application of Article 179, which concerns propaganda or calls for the seizure of power and which, in relation to religious organizations, is interpreted as encompassing calls and actions aimed at the violent destruction of the secular democratic order and its replacement with theocratic forms of governance, as exemplified by the ideology of ISIS.

Within the broader context of state policy aimed at strengthening countermeasures against religiously motivated extremism, forensic religious expertise was formally institutionalized as a

separate type of forensic examination on 26 January 2015, following its inclusion in the official List of Types of Forensic Examinations conducted by the forensic institutions of the Ministry of Justice of the Republic of Kazakhstan. The procedure for conducting forensic religious expertise is set out in the Rules for the Organization and Conduct of Forensic Examinations and Studies in Forensic Institutions, approved by an order of the Ministry of Justice on 27 April 2017. Forensic religious expertise is carried out by experts of the Centre for Forensic Examinations under the Ministry of Justice, and may also be conducted by licensed private experts possessing specialized knowledge in religious studies.

The third stage in the development of forensic religious expertise (from 2018 to the present) is linked to the broader process of digitalization, which has directly affected how this type of expertise is conducted. As Kazakhstani experts noted as early as 2017, whereas books, brochures, and audio cassettes had previously been the main objects of examination, newer cases increasingly involve materials that reflect technological advances in the transmission of information (Abdrasilkyzy et al., 2017: 77).

The digitalization of religion, which intensified after the COVID-19 pandemic, has led to the widespread use of digital media for religious practices, gatherings, educational programs, missionary activities, and everyday religious communication (Campbell & Tsuria, 2022: 5). As a result, materials from the Internet and social media have become the dominant objects of forensic religious expertise. This shift has created new challenges for expert practice.

#### Methodology of Forensic Religious Expertise: Issues of Quality

As noted above, attitudes within the academic community towards the practice of forensic religious expertise are mixed. This is largely due to concerns about possible violations of freedom of religion and the risk that such expertise may be used as a tool to restrict or ban so-called “non-traditional” religious organizations within the framework of state regulation of the religious sphere.

Representatives of religious minorities themselves also express concern about the growing level of state control over religion, of which forensic religious expertise is a part. For example, A Klyushev, Chairman of the Association of Religious Organizations of Kazakhstan and head of the Astana Christian Evangelical Church, noted at an international conference on freedom of religion in Kazakhstan that the continuous expansion of state control in the religious sphere leads to “unnecessary tension, suspicion, and mistrust between the state and religion, and vice versa.” According to him, this situation makes it necessary to address issues of freedom of religion from different perspectives and at different levels (Klyushev, 2013: 104).

At the same time, experts and scholars emphasize the importance of national security and point to the growing threats of religiously motivated violent radicalism and extremism in the contemporary world. These threats take the form not only of terrorist attacks in different countries, but also of attempts to promote state-building projects based on extremist religious ideologies, such as that of ISIS. Kazakhstan is among the countries that have experienced religiously motivated terrorist attacks and is also one of more than 80 countries whose citizens travelled to Syria following calls by ISIS.

Against this background, forensic religious expertise operates in a context of tension between the protection of freedom of religion and the need to ensure national security. For this reason, issues related to the quality of forensic religious expertise become especially important.

An analysis of the existing literature makes it possible to identify several key criteria for assessing the quality of forensic religious expertise. First, the competence of experts is essential.

Experts must have specialized academic knowledge in the field of religious studies and be able to maintain an objective and impartial position towards the materials under examination.

Second, the quality of forensic religious expertise depends on its scientific grounding. This includes the use of appropriate research methods and clear terminology. The effectiveness of the applied methodology also depends on the availability of methodological guidelines, the development of common standards, and their regular improvement.

Third, the independence of forensic religious expertise within the system of law enforcement and judicial proceedings. In this regard, the independence of the judiciary as a branch of power and the non-interference of other branches of government in judicial activities are especially significant.

Fourth, there must be a clear distinction between the functions of forensic religious expertise as a scientific analysis of religious materials and the legal assessment of a person's actions, which falls within the competence of the court. Accordingly, expert conclusions should meet the requirements of scientific validity, reproducibility, and procedural admissibility, and should not have an accusatory character.

Based on these criteria, the most important methodological principles underlying the quality of forensic religious expertise are independence, objectivity, and scientific justification.

At present, forensic religious expertise in Kazakhstan is regulated by the Law of the Republic of Kazakhstan "On Forensic Expert Activity" (2017), the Rules for the Organization and Conduct of Forensic Examinations and Studies in Forensic Institutions (2017), and the Code of Ethics of the Forensic Expert (2017). According to the Law "On Forensic Expert Activity," the main principles governing forensic examinations, including forensic religious expertise, are legality; respect for human and civil rights and freedoms; the independence of the forensic expert; objectivity and scientific justification of expert conclusions; the admissibility of using scientific and technical tools, methods, and scientifically grounded approaches; and compliance with professional ethics.

One of the key conditions for conducting high-quality forensic expertise, as stated in legal regulations, is the independence and objectivity of the expert's position. Religious studies scholar I. Aslanova, analyzing forensic religious expertise related to Jehovah's Witnesses in Kyrgyzstan, concludes that such examinations often reproduce long-standing patterns and negative stereotypes inherited from the Soviet period instead of providing objective and scientifically grounded analysis (Aslanova, 2023: 96-97). As a possible solution, she proposes the creation of a self-regulating association of scholars in religious studies that would certify experts based on their education, academic degrees, professional experience, and research publications.

Researcher D. Dubrovsky also raises concerns about the objectivity of experts conducting forensic religious expertise in the Russian context. He points to the influence of experts' ideological views and their affiliation with state institutions on expert practice in the field of religious studies (Dubrovsky, 2020: 721).

In Kazakhstan, in addition to authorized state bodies, licensed private forensic experts are also allowed to conduct forensic religious expertise. This helps to reduce the risks of bias and lack of objectivity, although it does not eliminate them entirely. At the same time, a certain degree of closedness in the field of forensic religious expertise in Kazakhstan limits the possibility of assessing its independence and scientific quality. This closedness is reflected in the absence of

publicly available methodological guidelines, limited access to information about conducted examinations and expert conclusions, and a small number of academic publications produced by members of the expert community themselves.

The competence of experts in forensic examinations is ensured by the qualification requirements set out in the above-mentioned Law of the Republic of Kazakhstan “On Forensic Expert Activity.” These requirements include higher education, a confirmed professional qualification as a forensic expert, and regular professional certification. At present, Kazakhstan provides a full cycle of training in religious studies and Islamic studies at the bachelor’s, master’s, and doctoral levels. As a result, forensic expertise in the field of religious studies is supported by appropriately trained specialists.

A key element of the quality of forensic religious expertise is its scientific basis, which requires the careful selection of research methods and a consistent methodological approach. This type of expertise is particularly complex due to the specific nature of religious materials, which often contain terms and symbols with multiple meanings and deep symbolic significance.

In addition, ongoing digitalization has changed the characteristics of the materials examined by experts. In recent years, there has been a clear decline in printed religious publications and a shift towards digital formats. Such materials are usually shared through messaging applications and other digital communication channels. Contemporary religious texts are often shorter, simpler in structure, and closely connected to everyday social realities. This requires experts to take into account the context of distribution and the intended audience.

A large group of objects examined in forensic religious expertise consists of audio materials, such as religious lectures and sermons, as well as video recordings of lectures and sermons, which often have a strong emotional and visual impact. Another important group includes transcripts of covert investigative materials, such as audio and video recordings obtained during criminal investigations. These materials are unique, as they are available only within criminal proceedings and reflect religious statements made in direct, live communication.

Another group of objects consists of images of religious content, which often do not contain text accompaniment and function as independent visual messages. Given that the digital environment is a field for experimentation, new types of religious practices, religious experience, and missionary activity will appear, which can also become objects of forensic religious expertise. The active use of artificial intelligence will also lead to a variety of research objects, which will require additional competencies from experts.

Kazakhstani forensic experts in religious studies use a range of methods in expert examinations. These include typological and comparative-historical approaches, hermeneutic and causal methods, phenomenological analysis, structural-functional analysis, and content analysis (Abdrasilkyzy et al., 2017). In our view, the specific nature of religious materials makes it especially important to apply a contextual approach in expert work, as well as discourse analysis. The growing number of visual materials examined in forensic religious expertise also requires the use of visual analysis.

I. Aslanova draws attention to an important methodological principle that helps ensure objectivity and neutrality in forensic religious expertise. This principle involves avoiding rigid dichotomies such as “right” versus “wrong” or “traditional” versus “non-traditional.” Another key principle is religious pluralism, which is based on the recognition of the diversity of religions and confessions and respect for their specific characteristics. As noted by K. Kirushin, incorrect

interpretation of the features of a particular religion may lead to inaccurate expert conclusions and, as a result, to incorrect legal assessments by the court (Kirushin, 2024: 21).

One of the important aspects of the quality of this type of expertise is the availability of developed methodologies for the production of forensic religious expertise and their improvement. In Kazakhstan, in 2015, a “Methodology for the production of forensic religious expertise” was developed (Mukanova et al., 2015), which outlines general approaches to the study of religious materials and the formation of expert conclusions within the procedural framework.

Subsequently, other methodological developments were prepared, including “Forensic expert political and religious studies research of materials containing signs of religious radicalism (religious extremism and terrorism)” (Mukanova, Mussina, Malikova, 2016), as well as “Methods for the production of forensic expert religious studies of materials containing signs of religious radicalism (religious extremism and terrorism)” (Mussina, Mukanova, 2022). At the same time, it should be noted that these methodologies are not available in open scientific and professional access, which limits the possibilities for their wide discussion, testing and critical reflection by the expert community.

The limits of competence of a forensic expert in religious studies are one of the most debated issues in academic discussions. Respecting these limits is essential for producing high-quality forensic religious expertise. Otherwise, the risk of error increases significantly. An expert is authorized to act only within their professional field as a specialist in religious studies.

At the same time, an expert is not entitled to draw conclusions about the motives, intentions, or psychological state of a person who distributed the materials under examination. Such issues relate to the assessment of individual behavior and fall within the competence of other types of forensic expertise. Exceeding the boundaries of one’s professional competence may lead to unreliable conclusions. A key issue for forensic experts in religious studies is therefore the clear separation between forensic religious expertise as a form of scientific analysis and legal evaluation, which lies within the authority of the court (Gillett, 2023: 671-672).

These boundaries of competence are defined in the Rules for the Organization and Conduct of Forensic Examinations and Studies in Forensic Institutions (2017), as well as in the Law of the Republic of Kazakhstan “On Forensic Expert Activity” (2017), and should be strictly observed in law enforcement practice.

A number of scholars point out that the dominance of an anti-extremism focuses in state religious policy, together with a broad interpretation of religiously motivated extremism, contributes to the blurring of the boundaries of competence of forensic experts in religious studies and to the substitution of judicial evaluation by expert opinion (Shterin, Dubrovsky, 2019: 224-225). In their professional practice, experts must be aware of the political contexts in which forensic religious expertise is conducted and of the risks these contexts may create.

Given the growing level of conflict in the contemporary world, the role of forensic religious expertise in law enforcement practice is likely to increase. In order to maintain a delicate balance between the protection of freedom of religion and the need to ensure national security, it is essential that forensic religious expertise follows the methodological approaches and quality criteria outlined above. Experts must also remain aware of the risks associated with crossing the boundaries of their professional competence, as such violations may lead to unreliable conclusions and judicial errors.

## Current Challenges and Future Directions of Forensic Religious Expertise in the Republic of Kazakhstan

As noted above, the current development of forensic religious expertise in the Republic of Kazakhstan takes place in the context of the digitalization of religion and society. Increasingly, the objects of expert examination are materials distributed in digital spaces, especially on social media platforms and through messaging applications. Recent judicial practice shows a steady rise in criminal cases in which forensic religious expertise is conducted on social media posts, comments, videos, and reposts.

In several regions of Kazakhstan, courts have issued convictions against individuals who disseminated religious materials via digital platforms that were found, on the basis of forensic religious expertise, to contain signs of religious extremism or incitement to religious hatred (BAQ.KZ, 2023).

Analytical reports and expert reviews indicate that the application of Article 174 of the Criminal Code of the Republic of Kazakhstan is increasingly linked to online content rather than to traditional printed or audiovisual materials (SPiK, 2022; Inbusiness.kz, 2023). In this situation, forensic religious expertise plays a particularly important role, as expert conclusions make it possible to determine the religious nature of a text, identify the meaning and direction of the terminology used, and establish the context in which religious statements are circulated.

At the same time, an analysis of criminal case materials and public sources shows that religious statements on social media are often fragmentary and situational. Such statements may be taken out of their original context, accompanied by emotional or provocative language, and addressed to an undefined audience. This makes the work of a forensic expert in religious studies much more difficult, as it requires attention not only to the content of religious terms and quotations, but also to the communication context, the way the material is presented, and the intended audience.

An additional challenge lies in distinguishing between religious studies analysis and legal evaluation of digital content. In social media posts, religious elements are often intertwined with social, political, and cultural statements. This increases the risk of overly broad interpretation of religious concepts and of assigning them legal significance without sufficient scientific justification. Analytical reports suggest that such situations require particular methodological caution and strict respect for the limits of the expert's professional competence.

Thus, the growing number of forensic examinations involving religious materials from social media represents one of the key contemporary challenges for forensic religious expertise. This trend highlights the need to develop specialized methods for analyzing digital religious content. The specific nature of digital objects examined in forensic religious expertise also encourages the use of digital technologies and software tools for expert analysis of religious materials.

Under these conditions, the future development of forensic religious expertise is linked to the adaptation of methodology to the features of online communication, the clarification of quality criteria, and the further improvement of methodological support for expert practice.

## Conclusion

The growing number of criminal cases related to incitement of religious hatred and religious extremism has increased the importance of forensic religious expertise in Kazakhstan. This

situation highlights the need for systematic academic research on Kazakhstan's experience in this field. The present study identified three main stages in the formation and institutionalization of forensic religious expertise as a distinct type of forensic examination, each shaped by its specific social and political context.

The first stage (2000-2011) was associated with the anti-cult movement, which emerged in response to the active missionary work of Protestant denominations and new religious movements representing religious minorities. During this period, state actors, representatives of the public, and members of the expert community raised concerns about "traditional" and "non-traditional" religions, as well as about potential threats to national security linked to the spread of new religious groups in Kazakhstani society. At this stage, forensic religious expertise was conducted within the framework of psychological and philological examinations.

The second stage (2012-2017) was shaped by state policies aimed at countering religiously motivated extremism as part of broader religious policy. During this period, forensic religious expertise was formally recognized as an independent type of forensic examination. The strengthening of the anti-extremism agenda and increased state regulation of the religious sphere raised serious concerns about possible violations of freedom of religion, particularly in relation to religious minorities, and highlighted the need to balance the protection of freedom of religion with the requirements of national security.

The third stage (from 2018 to the present) is characterized by ongoing processes of digitalization, which have changed both the nature of the objects examined and the forms of religious communication subject to forensic analysis.

The authors argue that the quality of forensic religious expertise is a key factor in maintaining a balance between the exercise of the right to freedom of religion and the protection of national security. Based on a review of expert opinions and academic literature, the study identifies methodological approaches aimed at ensuring the quality of this type of expertise and formulates a set of quality criteria. Particular emphasis is placed on objectivity and independence in conducting forensic religious expertise, on clearly defined boundaries of expert competence that prevent the substitution of scientific analysis with legal judgement, and on awareness of the risks of expert error.

The main challenges at the current stage of development of forensic religious expertise are related to the digitalization of both society and religion. Changes in the nature of expert objects and the emergence of new forms of communication and self-expression require further development of forensic research methods, revision of methodological support in light of new realities, and the acquisition of digital skills by forensic experts in religious studies.

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### **Authors’ contributions**

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**Shapoval Yu.** – writing the article text, literature review, and making conclusions.

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### **Авторлар туралы мәлімет / Сведения об авторах / Information about authors:**

**Камиля Тлеубаева** – PhD докторант, Л. Н. Гумилев атындағы Еуразия ұлттық университеті, Адольф Янушкевич көшесі, 6, 010000, Астана қ., Қазақстан Республикасы, [kamilya.phd@gmail.com](mailto:kamilya.phd@gmail.com), <https://orcid.org/0009-0004-5278-3876>

**Камиля Тлеубаева** – PhD докторант, Евразийский национальный университет имени Л. Н. Гумилёва, ул. Адольфа Янушкевича, 6, 010000, г. Астана, Республика Казахстан, [kamilya.phd@gmail.com](mailto:kamilya.phd@gmail.com), <https://orcid.org/0009-0004-5278-3876>

**Kamilya Tleubayeva** – Phd doctoral student, L.N. Gumilyov Eurasian National University, 6 Adolf Yanushkevich Street, Astana 010000, Republic of Kazakhstan, [kamilya.phd@gmail.com](mailto:kamilya.phd@gmail.com), <https://orcid.org/0009-0004-5278-3876>

**Юлия Шаповал** – ф.ғ.д., Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Адольф Янушкевич көшесі, 6, 010000, Астана, Қазақстан, [shapovaluv@gmail.com](mailto:shapovaluv@gmail.com), <https://orcid.org/0000-0002-1351-4495>

**Шаповал Юлия** – д.ф.н., Евразийский национальный университет имени Л. Н. Гумилёва, ул. Адольфа Янушкевича, 6, 010000, г. Астана, Республика Казахстан, [shapovaluv@gmail.com](mailto:shapovaluv@gmail.com), <https://orcid.org/0000-0002-1351-4495>

**Yuliya Shapoval** – Doctor of Philosophical Sciences, L.N.Gumilyov Eurasian National University, 6 Adolf Yanushkevich Street, Astana 010000, Republic of Kazakhstan, [shapovaluv@gmail.com](mailto:shapovaluv@gmail.com), <https://orcid.org/0000-0002-1351-4495>

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