

Experiments in Legal Consciousness

Cover Memo for ABF Internal Discussion

Alisher Juzgenbayev

This project is part of my dissertation on administrative justice in Kazakhstan: how institutions develop the capacity to review government action, why citizens turn to them, and what those encounters mean for relations between citizens and the state. These materials focus on two questions. When does a problem become a legal wrong that someone believes can and should be challenged? How might encounters with redress institutions reshape understandings of law, expectations of government, and confidence in one's capacity to make claims?

I plan to field the survey later this month, with a pilot scheduled to launch imminently. **This is a particularly useful moment for feedback that can still inform the questionnaire and experimental design.** The survey is relatively long and combines two vignette experiments, largely because recruiting participants in Kazakhstan is costly. The first compares interpretations of disputes with public and private actors and willingness to contest them. The second varies the forum, procedural engagement, and outcome of an imagined administrative dispute. The survey will be bilingual, in Kazakh and Russian, and will likely use an opt-in sample that does not include older participants.

I especially welcome feedback on **how the experiments connect, the literatures and audiences they address, and the concepts they measure.** Do they address a coherent set of questions? Do the measures adequately distinguish legal consciousness, legal entitlement, perceived capacity to act, expectations of institutional responsiveness, and trust?

Beyond the experiments, the survey asks about prior court experience, views of government institutions, demographics, awareness of legal reforms and other issues, and use of digital government services. I would appreciate suggestions about descriptive questions these items could illuminate, useful comparisons, and additions or revisions worth prioritizing given the survey's length.

The project seeks to engage both quantitative comparative political science, in its substantive questions and methods, and law-and-society scholarship on legal consciousness and mobilization, where vignette experiments are less commonly used. I also intend to integrate interviews from my fieldwork, which are not yet comprehensively incorporated into this draft. My hope is that these materials will support several publications for different audiences while contributing to the dissertation.

This is very much work in progress. IRB review, survey programming, and revisions responding to the funder's feedback have recently taken priority over developing this write-up.

Experiments in Legal Consciousness

Administrative Justice and Citizen-State Encounters in Kazakhstan

Alisher Juzgenbayev
Northwestern University
alisher.juzgenbayev@law.northwestern.edu

Introduction

Kazakhstan's recent administrative justice reform raises a question about law under authoritarianism: what happens when the state creates institutions through which citizens can challenge its own officials? The Administrative Procedural and Process-Related Code (APPC), effective from July 2021, brought administrative procedures and judicial review into a common framework.¹ Specialized administrative courts were established alongside it.² The reform promises a forum in which citizens can demand that government decisions be examined and justified. Its significance depends both on whether people use these institutions and on what they take away from encountering them.

This paper addresses two research questions. **First, when and why do people understand a problem with the state as a legal wrong worth pursuing, and how do they choose a route to redress? Second, how do encounters with redress institutions shape legal consciousness, confidence in one's capacity to act, and evaluations of the state?** These questions connect the conditions of legal mobilization to its possible consequences: asserting an entitlement need not require trust in the institution receiving the claim, and an encounter may encourage further claiming while making someone more critical of that institution.

¹Administrative Procedural and Process-Related Code of the Republic of Kazakhstan, June 29, 2020, No. 350-VI, effective July 1, 2021. [Official government-hosted text.](#)

²Presidential Decree No. 500, January 26, 2021, "On Specialized Administrative Courts," as described in the Ministry of Justice's "Some Questions in the Field of Administrative Proceedings," January 18, 2022.

Part I examines explanations of mobilization, the available channels in Kazakhstan, and an experiment comparing disputes with public and private actors. Part II examines the consequences of encounters and an experiment varying the forum, procedural engagement, and outcome of an administrative dispute. Fieldwork interviews will connect these controlled comparisons to the meanings and experiences of actual claimants.

Part I: Explaining Legal Mobilization

Explaining Legal Mobilization Under Autocracy

Suing in Autocracy

Research on authoritarian courts has shown that legal institutions can serve purposes beyond the impartial adjudication of disputes. They can help rulers discipline officials, obtain information, attract investment, channel grievances, and cultivate legitimacy (Ginsburg and Moustafa 2008; Moustafa 2014). This literature provides an important starting point for understanding why a regime might create administrative justice institutions. While this literature investigates the relationship between institutions and authoritarian durability, there has been comparatively less research on how citizens encountering those institutions evaluate their performance, and decide whether to engage with them.

However, if an institution makes an authoritarian regime more durable by supplying the regime with information, by allowing citizens to register discontent with specific policies, or by legitimizing the regime, we should try to explain why citizens are likely to use these in the first place. After all, an institution can hardly be serving an information-gathering, safety valve, or legitimating function successfully without at least some groups choosing to engage with these institutions.

The barriers preventing such engagement in autocratic settings are numerous. Unlike totalitarian regimes, which rely on active mobilization of the public and seek transformation of individual attitudes in line with a coherent ideology, autocracies rely on citizens' withdrawal and passive acceptance of the regime (Linz 2000); these depoliticizing regimes thrive in conditions of general mistrust in institutions and political cynicism. These issues are compounded in societies with long-lasting legacies of political repression and corruption (Desposato et al. 2021; Beesley and Hawkins 2022; Morris and Klesner 2010), as is the case in most post-communist countries (Mishler and Rose 1997; Pop-Eleches and Tucker 2011, 2013). Regimes relying on falsification of information, distorted statistics, and propaganda produce populace that often sees regime-produced information as incredible and disengages from institutions (Chang 2021; Huang 2018).

It is therefore unsurprising to observe that citizens in post-Soviet countries tend to exhibit negative opinions about courts, judges, and the legal systems at large. They often view courts as dependent on political elites, judges as corrupt, and the legal processes as slow and inefficient (Hendley 2012, 2017). Despite these formidable challenges, citizens in authoritarian states frequently do make use of the formal legal institutions. In Kazakhstan alone, citizens filed over 32,000

lawsuits challenging government decisions in 2024, ranging from housing access to welfare rights disputes.³ In Russia, despite the absence of a distinct administrative court system, citizens filed 144,514 cases challenging official actions in 2019, with a satisfaction rate exceeding 50 percent (Hendley and Solomon 2023). Hendley’s account of legal dualism challenges narratives that treat courts as uniformly captured: ordinary disputes may be handled according to law even where political priorities shape sensitive cases (Hendley 2022). Thus, Hendley (2017) documents Russians’ engagement with mundane disputes, such as neighbor conflicts and automobile disputes, the courts’ receptivity towards these litigants—concluding that courts do operate according to written law for such disputes.

But do these findings apply with equal force to situations where citizens challenge *state action*? Under what circumstances are citizens more likely to make use of legal institutions against the state, and how do they choose whether and how to mobilize their resources in a legal forum? More fundamentally, when do citizens view a wrongful action by the authoritarian state as a “legal wrong” that may be redressable by that very state?

Legal Mobilization and Autocracy

The question therefore concerns the circumstances under which people see law as available to them. I use legal mobilization to mean invoking law, legal entitlements, or legal institutions in pursuit of a claim. It includes activity inside and outside courts, and its effects under authoritarianism can be mixed (Chua 2019). Citizens can use official rules and institutions while remaining skeptical of the political order. Conversely, invoking law can help sustain the institutions whose conduct generated the grievance.

Scholars have put forth various sets of explanations to explain individual and collective claim-making in legal fora. Some emphasize material factors both as structural variables influencing variation in claim-making (i.e., the ways in which economic and racial disparities influence likelihood of activating the legal system) and as a decision-making model driving (non-)use of legal venues. For instance, scholars investigate the effects of legal representation and rules governing access to courts on the viability of claim-making in courts (Sandefur 2010; Wilson and Rodríguez Cordero 2006). Hendley (2017) argues that most Russians are able to discern what cases are likely to be resolved according to written law, as opposed to “telephone law,” and make decisions on the basis of calculations and their sense of the odds of victory.

Others investigate how ideational and expressive factors influence use of the legal system. Legal consciousness concerns the meanings people give to law and how those meanings enter everyday understanding and action (Ewick and Silbey 1998). More fundamentally, law and society scholars studying the transformation of a dispute into legal claims (Felstiner et al. 1980) investigate factors that lead some individuals but not others to see their grievance as a justiciable claim in

³Committee for Legal Statistics and Special Records of the General Prosecutor’s Office of the Republic of Kazakhstan, *Report on the Consideration of Administrative Cases by Courts of First Instance*, 2024.

need of redress (Hirsh and Lyons 2010). Scholars of legal consciousness examine how ideas about the law and its role in society disparately influence individuals' propensity for legal mobilization (Ewick and Silbey 1991; McCann 1994). They study, for instance, the ways in which globalization transforms or fails to transforms a person's conceptualization of an injury in terms of rights (Engel 2005). Research on rightful resistance in China shows how claims grounded in official commitments can contest particular abuses while drawing authority from the political system itself (O'Brien 1996). Hilbink and Ramos find that participation in protests and self-perceived knowledge of where to turn are associated with willingness to pursue a formal remedy (Hilbink and Ramos 2024). Thus, even where citizens perceive the justice system as unfair and corrupt, they may be driven by "expectations, indignation and/or aspirations to turn to justice system" (Hilbink et al. 2022). Baik (2023) notes how Chinese citizens' sense of fairness and desire to personally face the bureaucrats that had wronged them leads them to file administrative lawsuits, even where they perceive the odds of success to be rather low (Baik 2023).

These explanations also need to account for institutional choice. A person who avoids court may still approach a supervisory authority, contact a prosecutor, seek personal connections, or make the problem public. The relevant alternatives extend beyond litigation and acquiescence.

Case Context: Grievances and Routes to Redress

Kazakhstan's administrative justice reform enters a political and institutional landscape in which approaching the state with a grievance has a long history. Soviet government maintained organized channels for citizens to report problems, request assistance, and complain about officials (Bogdanova 2018). These practices provide a historical starting point for understanding the institutions and terms of citizen engagement in Kazakhstan.

Supervision and the Soviet administrative inheritance

The procuracy is central to this history. Its antecedents lie in imperial supervision of the state apparatus; the Soviet system restored it in 1922 and revived its authority to supervise administrative officials and agencies (Bogdanova 2018). Its remit extended beyond criminal prosecution. Under the principle of general supervision, procurators could investigate violations, challenge unlawful administrative acts, and press officials to correct them. The institution's centralized organization made supervision a means of maintaining uniform legality and checking administrative misconduct through a hierarchy of state officials (Smith 1978).

This arrangement gave citizens a potential resource against official wrongdoing outside the courts. Bogdanova distinguishes complaints to the procuracy, which required justification through legal norms, from complaints to other authorities, which could appeal to socialist morality (Bogdanova 2018). The relationship between supervision and complaints was also organizational. Procurators monitored the legality of how other bodies processed citizens' appeals, as well as the actions challenged in those appeals. Amendments in 1980 designated the procuracy as the principal supervisor of compliance with the rules governing proposals, peti-

tions, and complaints (Bogdanova 2018). This overlap between supervision and complaint handling helps explain why the history of administrative redress cannot be understood by looking at courts alone.

Complaints as a form of citizen engagement

Soviet citizens addressed complaints and requests to government offices, Party bodies, senior leaders, and newspaper editorial offices (Bogdanova 2018). These channels connected everyday problems to institutions with the authority to intervene. They also established conventions for making a problem recognizable to the state: describing hardship, demonstrating deservingness, identifying an official's failure, or invoking the authorities' own commitments (Bogdanova 2021). A person could appeal for help and assert an entitlement within the same complaint. The distinction between moral petition and legal claim was therefore a tension within an established practice, rather than a simple division between passive subjects and active citizens.

For the authorities, this activity had informational value. Dimitrov treats citizen complaints as a channel for monitoring discontent over consumption and provision in communist regimes (Dimitrov 2023). They also related to the material promises of socialist government. Cook and Dimitrov's account of the socialist social contract emphasizes expectations of employment security, social services, housing, and access to goods; their discussion of the post-Stalin period connects complaint channels to leaders' efforts to monitor grievances and respond to them (Cook and Dimitrov 2017). These accounts explain why a regime could invest in citizen engagement without opening the political system to electoral competition.

For citizens, these were opportunities to seek resources and challenge treatment they considered unjust. Their political meaning was not fixed by the state's purposes. An appeal to a superior could express confidence that higher authorities would correct a local abuse, a strategic use of the available hierarchy, or frustration after repeated failures elsewhere. Bogdanova's historical work shows how complaint practices could coexist with, compensate for, and sometimes displace legal remedies (Bogdanova 2021). This history cautions against reading the existence of complaints as proof of public trust, or political constraints as evidence that citizens did not engage the state.

Choosing among contemporary institutions

The APPC added a new framework for judicial review to this history of seeking redress through state institutions. It also retained administrative review: Article 91 provides for complaints to a higher administrative body or official. Citizens therefore confront a choice among institutional routes as well as a decision about whether to act at all. Approaching a superior, invoking prosecutorial supervision, and suing an agency may imply different expectations about what has gone wrong and who can correct it.

Digital complaints and the language of claims

Digital platforms have added another setting for citizen engagement. Knox and Janenova describe Open Dialog as part of Kazakhstan's open-government infrastructure, providing blogs, internet conferences, and polls through which

citizens could interact with officials. They also emphasize moderation and the dependence of these exchanges on officials' willingness to engage (Knox and Janenova 2023). The portal made a familiar practice of addressing an authority visible to a wider audience. It is distinct from e-Otinish, the complaint-submission platform featured in the survey's administrative-review vignette.

In my earlier work, I analyzed a cleaned corpus of 210,048 Russian-language question-answer pairs from Open Dialog. My preliminary findings show the prominence of social benefits, education, health care, and policing. Citizens draw on both legal and moral vocabularies: some demand compliance with particular rules, while others emphasize vulnerability and the need for assistance. These patterns suggest that routine encounters over resources and services provide an important setting in which citizens articulate what the state owes them.

The corpus captures people who used a particular public channel and whose submissions became visible. It cannot establish the prevalence of grievances or willingness to complain in the population as a whole. Its contribution here is to identify recurring problems and ways of making claims that the interviews and survey can investigate more directly.

For the first research question, the relevant issue is how people move among these understandings and options. A government decision may be interpreted as an error to be corrected, a hardship warranting help, or a violation of an enforceable entitlement. The existence of complaint channels does not tell us which interpretation citizens adopt, whether they expect a remedy, or why some pursue a claim despite anticipating failure.

Interview Evidence: Recognizing a Grievance and Choosing a Forum

[Section reserved for the author's fieldwork material. Focus: how people identify a problem as a legal wrong; how costs, expectations of success, legal assistance, and a desire for acknowledgment enter their decisions; and why they choose a court, a supervisory body, an administrative complaint, or no formal action.]

Survey Set-Up: Two Vignette Experiments

The current questionnaire is an online survey of adults living in Kazakhstan, with an estimated completion time of 15 to 20 minutes. The survey will be bilingual, in Kazakh and Russian, and will likely use an opt-in sample that does not include older participants. Combining two experiments in one questionnaire reflects the cost of recruiting participants in Kazakhstan. Both stories are explicitly fictional. The first uses a third-person protagonist; the second asks respondents to imagine that the situation happens to them.

Component	Purpose and placement
Background questions	Demographics, personal or family court experience, and awareness of reforms before the first experiment.
First vignette	One of six versions: three dispute domains, each with a public and a private counterpart.
Intermediate questions	Administrative-court knowledge, digital-service use, further background questions, general attitudes, and trust in law enforcement and the national government.
Second vignette	A common apartment dispute, followed by one of five procedure conditions; active conditions also receive a randomized outcome.
Final measures	Future engagement, efficacy, entitlement, institutional trust, and an optional legal-guide request and click.

The descriptive questions provide a broader picture of prior court experience, institutional evaluations, awareness of legal reforms, and digital-government use. Their associations with willingness to claim can complement the experiments, while remaining observational and specific to the recruited sample.

The intermediate questions separate the stories, but a buffer does not establish the absence of carryover. The second story also concerns a new dispute: it is not a continuation of the first protagonist’s case. Its estimates concern responses to an encounter within this survey sequence, after exposure to the first experiment.

A **planned sample of 2,000** implies expected counts of approximately 333 per first-vignette version, 400 in the second-vignette control, and 200 in each of its eight active cells. These are design expectations, not achieved sample sizes. The final sample size, recruitment quotas, and representativeness should be updated from the fieldwork plan before presenting them as settled.

Most attitudinal questions offer four substantive response categories and a separate difficult-to-answer option. Some final measures are currently paired statements, with the possibility of conversion to individual agreement items following piloting. The discussion below concerns their substantive content. The final wording, coding, and any proposed indices should follow the fielded instrument, including its alternating direction of favorable responses.

Experiment I: From a Dispute to a Claim

The comparison

The first experiment asks whether the opposing party affects the interpretation of a dispute and recommendations for responding. Qualtrics assigns one of six versions with equal probability. Each respondent sees only one version.

Dispute domain	Public counterpart	Private counterpart
Additional financial demand	Revenue authority demands an additional 800,000 tenge in tax.	Bank demands an additional 800,000 tenge on a business loan.
Pension contributions	The UAPF credits less than the amount received.	The employer transfers less than the amount withheld.
Loss of market access	Government trade authority removes a product from sale.	Online marketplace removes a product from sale.

The financial-demand and market-access stories involve an unclear rule or provision, a protagonist who considers the decision unjustified, and others in comparable circumstances who avoided the same disadvantage. The pension stories locate an accounting discrepancy at either the Unified Accumulative Pension Fund (UAPF) or the employer. Across the pairs, the opposing party insists that its action was correct.

For example, the public financial-demand version describes a business owner who filed reports and paid taxes on time, but later receives an additional tax demand. The disputed amount turns on an unclear rule about taxable income. The private counterpart replaces this with a bank’s interpretation of an unclear loan provision concerning interest. These are analogous disputes rather than identical legal situations. The treatment changes the institutional setting as well as the actor, and the three domains allow examination of how consistent any public-private difference is across those settings.

What the responses distinguish

The naming battery (E1_NAME) separates a perceived violation of legal rights from unfair treatment, bad faith, accidental error, bad luck, incompetence, and a broader systemic problem. Respondents rate each description separately, so they may see a rights violation and an error at the same time. The analysis should preserve that possibility rather than force each person into a single interpretation.

The questionnaire then distinguishes several aspects of claiming:

- **Support for contestation:** whether the protagonist should seek reconsideration (E1_CONTEST). The instrument randomizes whether this block or the naming block appears first.
- **Expected effectiveness:** whether direct contact, a higher or supervisory body, court, the prosecutor’s office, connections, or publicity would produce a fair outcome (E1_FEFF).

- **Preferred route:** which of those options would be best if the protagonist sought reconsideration (E1_FORUM_BEST). This question is conditional on pursuing a challenge and does not include doing nothing.
- **Reasons for possible non-use:** correctness of the original decision, possible pressure, futility, or costs (E1_CONTEST_WHY). This is asked as a hypothetical explanation of non-contestation, not only of respondents who oppose contestation.

These responses measure interpretations, support for contestation, and preferred routes. Recommending a challenge or selecting a forum is not equivalent to filing a claim. The experiment examines selected dimensions of legal consciousness rather than treating it as a single scale.

An actor-recall question checks whether the respondent understood the assigned story. The court option is described simply as going to court; the public-private contrast does not assign every dispute to an administrative court.

Working expectations

One possibility is that a state counterpart weakens recognition of a legal wrong or support for challenging it. That pattern would be consistent with a perceived boundary on law's capacity to constrain authority. A competing possibility is that state action makes the legal obligation more salient: respondents may expect a public institution to be especially bound by rules. The direction of the public-private contrast should therefore remain an empirical question.

A particularly informative pattern would combine recognition of a rights violation with a recommendation against contestation. This would locate the obstacle after the recognition of entitlement, with the reason and forum items helping describe whether respondents anticipate costs, futility, or pressure. Conversely, recommending a challenge while assigning low effectiveness to available forums would be consistent with motivations beyond expected success, though the survey does not directly identify those motivations.

Random assignment supports causal comparisons between the public and private versions within each domain, and an equally weighted average across the three pairs. Relationships among naming, effectiveness, and recommendations remain observational: the study does not randomize rights consciousness itself. Similarly, a state-party effect would not by itself identify fear as the mechanism, since perceived legality, familiarity, and expectations about institutions could also change.

Part II: Explaining the Consequences of Institutional Encounters

Literature: The Consequences of Institutional Encounters

The second question begins after someone approaches a redress institution. Accounts of authoritarian institutions often expect successful grievance resolution to demonstrate responsiveness and strengthen support for the state. Yet legal mobilization may also expose institutional limits, raise expectations, or encourage further challenges. The question is therefore not simply whether an encounter produces satisfaction, but which understandings and dispositions it changes.

Outcomes, procedure, and institutional evaluations

One explanation centers on substantive outcomes. Obtaining a desired remedy can make an institution appear effective and fair; losing may produce disappointment or distrust. He and Feng's research on civil litigants in southern China finds that evaluations of justice are strongly associated with outcomes and that unfamiliarity with the system makes it difficult for some litigants to separate process from result (He and Feng 2021). This makes the distinction between winning and being treated fairly an empirical question rather than something respondents necessarily take for granted.

Procedural justice scholarship emphasizes the importance of voice, respectful treatment, and impartiality for evaluations of legal authorities (Tyler 2006; Lind and Tyler 1988). The relevance extends beyond courts. Research on Dutch administrative conflicts associates perceived procedural justice during direct contact with officials with greater satisfaction and trust in government (Bos et al. 2014). Among users of UK ombuds services, both outcome favorability and perceived procedural justice predict decision acceptance (Creutzfeldt and Bradford 2016). These findings motivate examining whether the manner of review matters even when a claimant receives an unfavorable decision.

Visible responsiveness can also have political consequences. Ding's account of the performative state examines how displays of attentiveness and effort shape public evaluations when governing capacity is constrained (Ding 2022). Applied here, it raises the possibility that being heard and seeing officials take a complaint seriously may improve evaluations of the state even when the requested remedy is denied. This expectation overlaps with procedural justice: a favorable response to an engaged process would not, by itself, show that the process was merely theatrical.

These accounts require distinguishing trust and satisfaction from legitimacy, understood as a belief in an authority's rightful claim to exercise power (Tyler 2006). They also raise a question about the object of evaluation. An encounter could change views of the particular reviewing institution, of government administration more broadly, or of the political leadership. Those responses need not move together.

Learning, entitlement, and further mobilization

A different line of research asks what people learn through legal engagement. Gallagher’s account of informed disenchantment shows how legal aid plaintiffs in Shanghai could become more confident in their ability to use law while becoming more critical of the legal system (Gallagher 2006). Related work examines how legal experience and knowledge can affect subsequent mobilization (Gallagher and Wang 2011; Gallagher and Yang 2017). Disappointment can therefore coexist with persistence, greater practical confidence, and assistance to other claimants.

This possibility motivates separating internal efficacy, or perceived capacity to navigate a challenge, from external efficacy, or the expectation that institutions will consider arguments and respond fairly. An encounter might strengthen the former while weakening the latter. It might also strengthen legal entitlement while reducing institutional trust. Treating all favorable attitudes toward law as one outcome would obscure these combinations.

The political meaning of stronger entitlement is itself contested. Perry cautions against treating demands that officials honor existing rules as straightforward challenges to the regime (Perry 2008). Li distinguishes rules consciousness, oriented toward abuses by those enforcing existing rules, from rights consciousness that extends to rule-making authorities and participation in shaping the rules (Li 2010). A claimant may demand lawful treatment while continuing to locate legitimate authority at the top of the hierarchy. For Kazakhstan, the question is whether redress reinforces expectations of correction by superior officials, strengthens demands that authorities justify themselves, or encourages criticism of the arrangements that produced the grievance.

Actual users and non-users of institutions differ in their grievances, resources, expectations, and persistence. Observed differences in their attitudes cannot be attributed to encounters alone. The second experiment assigns imagined encounters to compare immediate responses to particular features of review. Interviews will be needed to understand how such responses relate to the accumulated learning, costs, and relationships of actual legal mobilization.

Case Context: Procedural Promises and Experiences of Review

The APPC reform was accompanied by a language of political responsiveness. In his September 2019 address, President Tokayev advanced the idea of a “Listening State” and called for administrative justice to address the unequal resources of citizens and public authorities.⁴ This framing makes the consequences of encounters politically significant: review is presented as an opportunity for citizens to obtain a meaningful response from the state.

The Code gives that promise a procedural form. Articles 16 and 130 prescribe an active judicial role, including assistance in clarifying claims and the collection of evidence. Article 129 allocates evidentiary burdens by type of claim, including

⁴Kassym-Jomart Tokayev, *State of the Nation Address, September 2, 2019*. The address presents both the Listening State initiative and administrative justice as responses to problems in citizen-state relations; it is evidence of the reform’s stated aims.

placing the burden on the defendant authority in a challenge to a burdensome administrative act. These provisions envisage a judge who examines the agency's conduct and helps make a citizen's challenge capable of adjudication. Whether a claimant experiences that engagement, and whether it produces a remedy, are distinct questions.

The institutional history gives reason to examine implementation as well as formal rules. A 2011 joint opinion by the Venice Commission and OSCE/ODIHR identified risks to judges' independence in court chairpersons' control over case assignment and in the connection between appellate review and disciplinary proceedings.⁵ Trochev documents a related problem in criminal justice: transferring detention authorization from prosecutors to judges in Kazakhstan did not, by itself, end routine approval of detention requests (Trochev 2014). That evidence concerns criminal proceedings, but it motivates a question for administrative justice about when new jurisdiction changes the substance of scrutiny.

The 2024 housing case of Liudmila Kostenko illustrates the stakes of an active judicial role. After lower courts rejected her challenge on procedural grounds, the Supreme Court directed that the case be heard on the merits and emphasized the courts' obligation to help formulate the claim.⁶ The ruling concerned access to review rather than a final award of the housing benefit. For a claimant, such an intervention could communicate that law offers an enforceable entitlement, while the earlier dismissals could communicate a very different lesson. The case identifies possible meanings of an encounter; it does not establish what the claimant herself concluded.

Administrative review provides a second setting in which to examine these questions. An official can listen carefully and investigate a complaint, while a court can consider written submissions without an oral hearing. In my earlier analysis of Open Dialog, I also found substantial standardization in official replies. That finding raises a distinction between receiving a formal answer and experiencing meaningful consideration of a claim, but the wording of a reply alone cannot establish either its practical effect or the recipient's reaction. The second experiment therefore varies engagement within both institutional forums and separates it from the decision received.

Interview Evidence: What Claimants Take Away from Encounters

[Section reserved for the author's fieldwork material. Focus: experiences of being heard or dismissed; interpretations of favorable and unfavorable decisions; changes in confidence, legal entitlement, and institutional trust; and whether an encounter encourages withdrawal, another claim, a different forum, or assistance to others.]

⁵OSCE Office for Democratic Institutions and Human Rights and European Commission for Democracy through Law (Venice Commission), *Joint Opinion on the Constitutional Law on the Judicial System and Status of Judges of Kazakhstan*, Opinion No. 629/2011, CDL-AD(2011)012, adopted June 17-18, 2011. [Official opinion](#).

⁶Judicial Panel for Administrative Cases of the Supreme Court of the Republic of Kazakhstan, ruling in Case No. 6001-23-00-6ap/3230, June 19, 2024.

Where possible, distinguish respondents’ accounts of change from attitudes they held before the encounter.]

Experiment II: What Does an Encounter Teach?

The common dispute

The second experiment asks respondents to imagine a dispute over the apartment in which they grew up. Their mother occupied it as public housing for more than thirty years and began privatizing it in the 1990s. She paid the privatization fee and maintained the apartment, but the housing department failed to complete the required final step. After her death, the respondent, as sole heir, seeks ownership. Neighbors whose privatization had been left incomplete in the same way obtained title. The department refuses, stating only that privatization was not completed.

The story combines a substantial personal stake, an agency omission, unequal treatment, and a minimally explained refusal. Everyone encounters this same opening. What changes is the subsequent institutional response.

Forum, procedural engagement, and outcome

Qualtrics assigns respondents with equal probability to five procedure conditions: a control, a court with low engagement, a court with high engagement, administrative review with low engagement, or administrative review with high engagement. Within each active condition, the outcome is separately assigned as favorable or unfavorable with equal probability. The result is a **2 by 2 by 2 design among active encounters, plus a control**: nine final cells, with 20 percent assigned to control and 10 percent to each active cell.

Condition	What the respondent encounters
Control	No further steps have yet been taken. The refusal remains in effect.
Court, low engagement	A specialized administrative court reviews both parties’ arguments in written proceedings, without an oral hearing, within the legal time limit.
Court, high engagement	A public hearing, a full opportunity to present one’s position, active questioning of the department, and documents obtained from the state archive.
Administrative review, low engagement	An e-Otinish complaint to the district akimat, registration confirmation, and a timely written decision without further contact.
Administrative review, high engagement	An e-Otinish complaint, an official’s call and in-person meeting, an opportunity to explain the problem, and documents obtained from the state archive.

The favorable outcome identifies the authority’s failure to complete privatization and requires steps toward privatization in the claimant’s name. The unfavorable outcome upholds the refusal because a privatization agreement was never concluded

and ownership therefore did not arise for inheritance. Both forums' outcome texts offer legal reasons. These are descriptions of the vignette, not a separate legal assessment of how an actual case must be decided.

The control represents **an unresolved refusal before further action**, rather than a respondent choosing permanent acquiescence. Favorable outcomes also describe an institutional decision requiring subsequent action; they do not establish that every ordered step has already been implemented. The experiment therefore compares experiences of review and decision, not verified enforcement of a remedy.

What is measured afterward

Immediately afterward, respondents in the active conditions assess their opportunity to speak, the care taken in reviewing the facts, and whether another judge or official would have reached the same decision. Everyone rates the fairness of the story's outcome and evaluates whether refusals of this kind reflect individual mistakes, common experiences, organizational problems, or a need for changes to rules and procedures.

The final questions then move beyond the apartment dispute. They ask what respondents would do in a future unfair encounter with a government body and measure several distinct dimensions:

Dimension	Content in the current instrument
Future engagement	Likelihood of complaining to a higher body, going to court, joining collective action, or posting on social media.
Internal efficacy	Ability to identify the correct forum, persist, prepare a complaint, and communicate with officials (E2_IE_*).
Legal entitlement	Demanding what law provides, receiving justification as an official duty, openly challenging a decision, and defending rights without embarrassment (E2_SLC_*).
External efficacy	Expectations of objective agency review, court fairness, fair hierarchical review, and consequences for officials (E2_EE_*).
Institutional evaluations	Perceived government listening and trust in courts, akimats, the president, and the media.
Information seeking	Requesting a Russian-language legal guide and, separately, clicking its link.

This structure makes it possible to ask whether a respondent feels more capable while becoming less optimistic about institutions, or becomes more willing to seek redress without becoming more trusting. The systemic-attribution items also allow examination of whether review encourages an interpretation of the original refusal as an isolated error or as evidence of an organizational problem.

The entitlement items concern demands for lawful treatment, justification, and accountability. They do not directly measure Li's stronger claim to participation in rule-making. Similarly, institutional trust is relevant to possible legitimation

but does not directly measure acceptance of the regime's right to rule. Requests for a guide and clicks on its link are modest information-seeking actions, rather than instances of legal mobilization through filing a claim.

Competing expectations and the comparisons that address them

The outcome account predicts more favorable evaluations after a favorable decision than after a denial. Comparisons within the same forum and engagement level isolate the effect of the assigned outcome package. Because the favorable and unfavorable texts also give different legal reasons, this is the effect of receiving that decision and its justification together.

The procedural justice account predicts that high engagement improves evaluations relative to low engagement, including among those who lose. A comparison restricted to unfavorable outcomes is especially useful: can being heard and seeing the facts investigated improve perceived fairness or institutional trust when the claim is denied? An interaction between engagement and outcome can examine whether engagement moderates the difference between winning and losing.

The forum account asks whether a court encounter encourages a different sense of standing than hierarchical administrative review. One working expectation is that seeing a judge question an agency strengthens expectations that officials must justify themselves. Another is that a responsive akimat produces comparable effects. Because both forums have high- and low-engagement versions, the study can examine whether the court difference persists at comparable assigned levels of engagement. These remain comparisons of institutional packages: a public hearing with judicial questioning differs substantively from a meeting with a reviewing official.

The informed-disenchantment account directs attention to the joint pattern of responses. Higher internal efficacy or entitlement, together with lower external efficacy or trust, would be consistent with critical empowerment. Lower trust alone would be insufficient. Even the joint pattern would concern immediate responses to an imagined encounter; interviews and evidence over time would be needed to establish an enduring learning process.

The performative-governance account makes responsiveness without a favorable outcome particularly interesting. If engaged review improves trust or perceived government listening after a denial, the state may gain evaluative benefits from the process itself. That pattern would also be consistent with procedural justice, and the design cannot decisively distinguish the two mechanisms. A further question is whether any effect remains attached to the reviewing institution or extends to trust in the president. Such spillover would be relevant to legitimation without directly demonstrating regime legitimacy.

What the design can establish

The clearest comparisons are among the randomized active conditions, averaging over the other assigned factors where appropriate. Comparisons with control answer a broader question: what does receiving the specified review-and-decision experience change relative to an unresolved refusal? They do not isolate partici-

pation from receiving a decision or from the additional information supplied by the active stories.

Several qualifications matter for the talk. First, procedural engagement is a bundle of voice, contact, scrutiny, and fact-finding. The study cannot attribute an effect to one component alone. High engagement includes substantive fact-finding; neither official sincerity nor governing capacity is independently manipulated. Second, the intermediate trust questions concern law enforcement and the national government, while the final trust questions concern courts, akimats, the president, and the media. They are not repeated measures of the same institutions. The appropriate claim is a randomized difference in post-vignette attitudes, rather than an observed within-person increase or decrease in trust. The intermediate questions also occur after Experiment 1, even though they precede Experiment 2.

Third, ratings of voice and careful review are post-treatment responses, not pretreatment controls. They can help interpret the manipulation but should not be treated as independently randomized mechanisms. Likewise, dropping respondents because of treatment-recall errors could change the comparability created by assignment. Finally, guide uptake is a limited behavioral outcome: language access and the extra effort required to open a link may affect it. Overall click uptake should be compared across all assigned respondents, rather than only among those who first request the guide.

Conclusion

The two parts address distinct moments in the relationship between citizens and administrative justice. The first asks how a grievance becomes a claim and why people select particular routes to redress. The second asks how an institutional encounter affects their sense of entitlement, capacity to act, and evaluation of the authorities. Their connection is the possibility that understandings of law shape engagement and are themselves reshaped through it. The two experiments examine separate parts of that relationship; they do not directly identify a complete cycle from initial beliefs through actual claiming to lasting attitudinal change.

The intended contribution is to explain how administrative justice can encourage legal mobilization without necessarily producing greater trust in the institutions receiving claims. A citizen may expect superior officials to correct isolated mistakes, demand that agencies justify their decisions, or become more critical of the organization of government. Distinguishing these responses requires attention to both institutional encounters and the meanings citizens give them.

The survey will provide controlled comparisons and descriptive evidence about the recruited sample. The interviews will help interpret the categories respondents use, the reasons they persist or withdraw, and the consequences of experiences that unfold over time. Together, these materials can speak to debates about authoritarian institutions and to law-and-society research on the conditions and consequences of legal mobilization.

References

- Baik, Jongyoon. 2023. "Politics of the Administrative Litigation System in China - ProQuest." PhD thesis, University of Chicago.
- Beesley, Celeste, and Darren Hawkins. 2022. "Corruption, Institutional Trust and Political Engagement in Peru." *World Development* 151 (March): 105743. <https://doi.org/10.1016/j.worlddev.2021.105743>.
- Bogdanova, Elena. 2018. "Obtaining Redress for Abuse of Office in Russia: The Soviet Legacy and the Long Road to Administrative Justice." *Communist and Post-Communist Studies*, Legal Change in Post-Communist States: Contradictions and Explanations, vol. 51 (3): 273–84. <https://doi.org/10.1016/j.postcomstud.2018.07.002>.
- Bogdanova, Elena. 2021. *Complaints to the Authorities in Russia: A Trap Between Tradition and Legal Modernization*. Routledge.
- Bos, Kees van den, Lynn van der Velden, and E. Allan Lind. 2014. "On the Role of Perceived Procedural Justice in Citizens' Reactions to Government Decisions and the Handling of Conflicts." *Utrecht Law Review*, November, 1–26. <https://doi.org/10.18352/ulr.287>.
- Chang, Charles. 2021. "Information Credibility Under Authoritarian Rule: Evidence from China." *Political Communication* 38 (6): 793–813. <https://doi.org/10.1080/10584609.2021.1901806>.
- Chua, Lynette J. 2019. "Legal Mobilization and Authoritarianism." *Annual Review of Law and Social Science* 15: 355–76. <https://doi.org/10.1146/annurev-lawsocsci-101518-043026>.
- Cook, Linda J., and Martin K. Dimitrov. 2017. "The Social Contract Revisited: Evidence from Communist and State Capitalist Economies." *Europe-Asia Studies* 69 (1): 8–26. <https://doi.org/10.1080/09668136.2016.1267714>.
- Creutzfeldt, Naomi, and Ben Bradford. 2016. "Dispute Resolution Outside of Courts: Procedural Justice and Decision Acceptance Among Users of Ombuds Services in the UK." *Law & Society Review* 50 (4): 985–1016. <https://doi.org/10.1111/lasr.12234>.
- Desposato, Scott W., Gang Wang, and Jason Y. Wu. 2021. "The Long-Term Impact of Mobilization and Repression on Political Trust." *Comparative Political Studies* 54 (14): 2447–74. <https://doi.org/10.1177/0010414021997171>.
- Dimitrov, Martin K. 2023. *Dictatorship and Information: Authoritarian Regime Resilience in Communist Europe and China*. Oxford University Press.

- Ding, Iza Yue. 2022. *The Performative State: Public Scrutiny and Environmental Governance in China*. Cornell University Press.
- Engel, David M. 2005. "Globalization and the Decline of Legal Consciousness: Torts, Ghosts, and Karma in Thailand." *Law & Social Inquiry* 30 (3): 469–514. <https://doi.org/10.1111/j.1747-4469.2005.tb00351.x>.
- Ewick, Patricia, and Susan S. Silbey. 1991. "Conformity, Contestation, and Resistance: An Account of Legal Consciousness." *New England Law Review* 26: 731.
- Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. University of Chicago Press.
- Felstiner, William L. F., Richard L. Abel, and Austin Sarat. 1980. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming." *Law & Society Review* 15 (3/4): 631–54. <https://doi.org/10.2307/3053505>.
- Gallagher, Mary E. 2006. "Mobilizing the Law in China: 'Informed Disenchantment' and the Development of Legal Consciousness." *Law & Society Review* 40 (4): 783–816. <https://doi.org/10.1111/j.1540-5893.2006.00281.x>.
- Gallagher, Mary E., and Yuhua Wang. 2011. "Users and Non-Users: Legal Experience and Its Effect on Legal Consciousness." In *Chinese Justice*, 1st ed., edited by Margaret Y. K. Woo and Mary E. Gallagher. Cambridge University Press. <https://doi.org/10.1017/CBO9780511977008.009>.
- Gallagher, Mary, and Yujeong Yang. 2017. "Getting Schooled: Legal Mobilization as an Educative Process." *Law & Social Inquiry* 42 (1): 163–94. <https://doi.org/10.1111/lsi.12188>.
- Ginsburg, Tom, and Tamir Moustafa. 2008. "Introduction: The Functions of Courts in Authoritarian Politics." In *Rule by Law: The Politics of Courts in Authoritarian Regimes*, edited by Tamir Moustafa and Tom Ginsburg. Cambridge University Press. <https://doi.org/10.1017/CBO9780511814822.001>.
- He, Xin, and Jing Feng. 2021. "Unfamiliarity and Procedural Justice: Litigants' Attitudes Toward Civil Justice in Southern China." *Law & Society Review* 55 (1): 104–38. <https://doi.org/10.1111/lasr.12525>.
- Hendley, Kathryn. 2012. "The Puzzling Non-Consequences of Societal Distrust of Courts: Explaining the Use of Russian Courts." *Cornell International Law Journal* 45 (3): 53.
- Hendley, Kathryn. 2017. *Everyday Law in Russia*. Cornell University Press.

- Hendley, Kathryn. 2022. "Legal Dualism as a Framework for Analyzing the Role of Law Under Authoritarianism." *Annual Review of Law and Social Science* 18 (Volume 18, 2022): 211–26. <https://doi.org/10.1146/annurev-lawsocsci-050420-104012>.
- Hendley, Kathryn, and Peter H. Solomon. 2023. *The Judicial System of Russia*. Oxford University Press.
- Hilbink, Lisa, and Valentina Salas Ramos. 2024. "Citizen Awakening? Exploring Legal Consciousness in a Context of Mass Political Mobilization." *Law & Society Review* 58 (2): 243–69. <https://doi.org/10.1017/lsr.2024.11>.
- Hilbink, Lisa, Valentina Salas, Janice K. Gallagher, and Juliana Restrepo Sanín. 2022. "Why People Turn to Institutions They Detest: Institutional Mistrust and Justice System Engagement in Uneven Democratic States." *Comparative Political Studies* 55 (1): 3–31. <https://doi.org/10.1177/00104140211024299>.
- Hirsh, Elizabeth, and Christopher J. Lyons. 2010. "Perceiving Discrimination on the Job: Legal Consciousness, Workplace Context, and the Construction of Race Discrimination." *Law & Society Review* 44 (2): 269–98. <https://www.jstor.org/stable/40783656>.
- Huang, Haifeng. 2018. "The Pathology of Hard Propaganda." *The Journal of Politics* 80 (3): 1034–38. <https://doi.org/10.1086/696863>.
- Knox, Colin, and Saltanat Janenova. 2023. "Kazakhstan: In Search of International Legitimacy." Chap. 21 in *The Elgar Companion to the OECD*, edited by Fabrizio De Francesco and Claudio M. Radaelli. Edward Elgar Publishing. <https://doi.org/10.4337/9781800886872.00030>.
- Li, Lianjiang. 2010. "Rights Consciousness and Rules Consciousness in Contemporary China." *The China Journal* 64 (July): 47–68. <https://doi.org/10.1086/tcj.64.20749246>.
- Lind, E. Allan, and Tom R. Tyler. 1988. *The Social Psychology of Procedural Justice*. Springer Science & Business Media.
- Linz, Juan J. 2000. *Totalitarian and Authoritarian Regimes*. UK ed. edition. Lynne Rienner Publishers.
- McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago Series in Law and Society. University of Chicago Press.
- Mishler, William, and Richard Rose. 1997. "Trust, Distrust and Skepticism: Popular Evaluations of Civil and Political Institutions in Post-Communist

- Societies.” *The Journal of Politics* 59 (2): 418–51. <https://doi.org/10.1017/S0022381600053512>.
- Morris, Stephen D., and Joseph L. Klesner. 2010. “Corruption and Trust: Theoretical Considerations and Evidence From Mexico.” *Comparative Political Studies* 43 (10): 1258–85. <https://doi.org/10.1177/0010414010369072>.
- Moustafa, Tamir. 2014. “Law and Courts in Authoritarian Regimes.” *Annual Review of Law and Social Science* 10 (1): 281–99. <https://doi.org/10.1146/annurev-lawsocsci-110413-030532>.
- O’Brien, Kevin J. 1996. “Rightful Resistance.” *World Politics* 49 (1): 31–55. <https://www.jstor.org/stable/25053988>.
- Perry, Elizabeth J. 2008. “Chinese Conceptions of ”Rights”: From Mencius to Mao- and Now.” *Perspectives on Politics* 6 (1): 37–50. <https://www.jstor.org/stable/20446636>.
- Pop-Eleches, Grigore, and Joshua A. Tucker. 2011. “Communism’s Shadow: Postcommunist Legacies, Values, and Behavior.” *Comparative Politics* 43 (4): 379–408. <https://doi.org/10.5129/001041511796301588>.
- Pop-Eleches, Grigore, and Joshua A. Tucker. 2013. “Associated with the Past?: Communist Legacies and Civic Participation in Post-Communist Countries.” *East European Politics and Societies* 27 (1): 45–68. <https://doi.org/10.1177/0888325412465087>.
- Sandefur, Rebecca. 2010. “The Impact of Counsel: An Analysis of Empirical Evidence.” *Seattle Journal for Social Justice* 9 (1).
- Smith, Gordon B. 1978. *The Soviet Procuracy and the Supervision of Administration*. Alphen aan den Rijn : Sijthoff & Noordhoff.
- Trochev, Alexei. 2014. “How Judges Arrest and Acquit: Soviet Legacies in Postcommunist Criminal Justice.” In *Historical Legacies of Communism in Russia and Eastern Europe*, edited by Mark Beissinger and Stephen Kotkin. Cambridge University Press. <https://doi.org/10.1017/CBO9781107286191.008>.
- Tyler, Tom R. 2006. *Why People Obey the Law*. Princeton University Press.
- Wilson, Bruce M., and Juan Carlos Rodríguez Cordero. 2006. “Legal Opportunity Structures and Social Movements: The Effects of Institutional Change on Costa Rican Politics.” *Comparative Political Studies* 39 (3): 325–51. <https://doi.org/10.1177/0010414005281934>.