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Land reform in the Republic of Kazakhstan: Problems of legal regulation of land relations

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Abstract

Relevance. The relevance of the study is due to the need to resolve problems in the agricultural sector, which consist in violations of current legislation and reducing the level of efficiency of the functioning of the segment under study.

Purpose. The purpose of the study is to analyse the regulatory framework for the legislative regulation of land relations in the Republic of Kazakhstan.

Methodology. Methods such as dogmatic, legal hermeneutics, logical analysis, deduction, induction were used.

Results. In the course of the study, the legal framework and the relevant application practice were examined. In this regard, problematic aspects, shortcomings, and contradictions of the contained norms were identified. The importance of reforming the agrarian economy was noted, which consists in the organisation of cooperatives and joint-stock enterprises without the involvement of the state. It was identified that this necessity lies in the importance of a system of broad cooperation for the effective implementation of activities on combined land plots and individual means of production, increasing the productivity of agriculture, and rational use of land resources. It was noted that it is necessary to ensure the full exercise by agrarian organisations, citizens, and foreign persons of the right to land, establish the terms of transactions that will exclude the possibility of their embezzlement, irrational use, speculation, transfer to other categories.

Conclusions. It was identified that it will be influential to create a special law and introduce norms into other acts, which will contain norms on a more detailed procedure for the targeted use of land, regulate monitoring and control, and features of limited turnover. The practical value of the results obtained lies in the development of recommendations, the

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implementation of which in law enforcement practice will provide an opportunity to increase the level of efficiency and quality of legislative regulation of land relations.

Keywords: innovations; legislative act; government decree; world experience; market relations.

Introduction

One of the main components of the management system of the land and property complex is the management of land resources. This means regulating relations between the state, regional, and local authorities, categories of land, land users of various forms of ownership and management in accordance with the rules of land policy, using a variety of regulatory mechanisms. This management will be effective in case of the implementation of three key principles: creating sustainability in land management, ensuring the integrity of transactions, and the professionalism of management managers. The first principle consists in defining a system of indicators, which are updated and dynamic databases of land monitoring and land cadastre, ensuring operational accounting of the conditions of land categories, soil composition, the degree of efficiency of land use and involvement of subjects in the market turnover; the second – provides an opportunity to ensure the transparency and confidentiality of personal data; in turn, the third – allows implement monitoring and management efficiency at all levels. Nevertheless, at the moment there is a range of problems in the Republic of Kazakhstan (RK), which is associated with the insufficient implementation of these principles in the law enforcement practice of regulating land relations. In this regard, the urgency and necessity of researching this area and developing recommendations to eliminate problematic aspects are determined.

According to O. Abraliev & J. Naimanova, in the agricultural sector, land relations are of particular importance, due to the fact that land plots become the main means of agricultural production [1]. Therefore, the study of the history of agricultural sector reform in the context of market changes is important both from a theoretical and practical standpoint. As stated by T.K. Akhmedzhanov *et al.*, since the beginning of the formation of Kazakhstan as an independent state, land reform has become an integral part of the ongoing economic transformations aimed at creating market management mechanisms and a radical transformation of the socialist management system [2]. T. Saken *et al.* share this opinion and note that the main idea of this form of management was that the state had a monopoly on all lands intended for agriculture and conducted centralised management, controlling the economic activities of agricultural enterprises [3]. The work plans and goals of these enterprises were also set and controlled by the state, which created economic dependence on it.

According to the opinion of L.K. Kaidarova *et al.*, one of the main goals of land reform should be considered a change in property relations, the transition to economic principles of land management, rational redistribution of land and their effective use in agricultural activities [4]. However, due to the ineffective national policy in the field of land relations and the hasty implementation of the reform, the process of forming effective owners and users of land has slowed down. The land market is just beginning to develop, and the unattractiveness of agricultural land for

potential investments makes it difficult to operate them and reduces the quality of these lands. According to A.T. Beristenov, the need to solve the problems of land relations, considering the interests of every citizen and business owner in the agricultural sector of the economy, requires a scientifically sound concept, a state programme for the implementation of land reform, and the definition of ways to implement it [5]. Therewith, it is necessary to consider the socio-economic conditions of various regions of the country [6].

Thus, the purpose of the study is to examine the legal regulation of the land relations sector. This will provide an opportunity to assess the effectiveness of land reform, identify the main problems and ways to resolve them, which, accordingly, will increase the efficiency of the segment of land legal relations.

Materials and Methods

This study was conducted using various methods of analysis. The method of functional analysis provided an opportunity to characterise land relations and identify the inherent features, signs, and principles of implementation of this type of legal relations. The method of logical analysis was used to examine concepts and definitions related to land relations. It also allowed identifying various aspects and key terms of land relations and clarifying their interrelationships and differences. This method was used to classify various types of land rights, types of land relations, forms of ownership, legal regimes of land, and other aspects of land relations based on their logical characteristics and attributes, which helped to consider a systematised and organised structure for the study of land relations. The method of abstraction allowed focusing on a specific object of the study, namely, agricultural lands to cover their legal essence and role in the economic system of Kazakhstan in more detail. This helped to characterise this type of land and identify the inherent features in law enforcement practice.

The formal legal method was used to examine the regulatory framework of Kazakhstan. This provided an opportunity to analyse in more detail the norms regulated by the Land Code of the Republic of Kazakhstan [7] and Decree of the Government of the Republic of Kazakhstan No. 674 “On approval of the Rules for the sale of housing to participants in the pilot projects of the Nurly Kosh programme” [8]. In turn, the method of legal hermeneutics provided an opportunity to examine these legislative norms using the dialectical connection of their essence and systematic application. The dogmatic method was used to examine the formation of land relations in Kazakhstan and their development through the prism of the analysis of norms regulated by legislative acts. The method of comparative legal analysis was useful for investigating the experience of other countries in the context of land policy and assessing their effectiveness. The analogy method provided an opportunity to compare the norms of the current legislation with law enforcement practice, which allowed identifying certain inconsistencies and problems.

The deduction method helped to characterise land relations based on its inherent features and principles of implementation. In turn, the induction method, which was based on the consideration of regulated structural elements and legal essence, helped to cover the role of land relations in the economic policy of Kazakhstan. The synthesis method was based on combining individual properties of land relations into a single whole to provide recommendations that contain the features of law enforcement practice and fixed legislative norms.

Thus, the methods of logical and functional analysis, abstraction allowed analysing land relations in more detail, identifying characteristic elements, signs, and principles, and determining their role in the modern politics of Kazakhstan. The methods of formal legal analysis, dogmatic, and legal hermeneutics provided an opportunity to examine the legislative regulation of land relations and consider the features of fixed norms. The method of comparative legal analysis was used to consider the experience of other countries. In turn, the methods of abstraction and analogy allowed comparing law enforcement practice and the norms enshrined in legislation to identify inconsistencies, conflicts, and problematic aspects. The methods of deduction, induction, and synthesis provided an opportunity to characterise the structural elements of land relations to offer recommendations for the elimination of problematic aspects in more detail.

Results

The policy of land use in the public field determines priorities in solving problems and the choice of tools for regulating land issues, the implementation of which can radically change the vector of development, paying special attention to the preservation and augmentation of land resources of the state and society. Among the main objectives of such a policy is the completion of the formation of a system of land ownership and land use that is able to fully solve the issues of the implementation and protection of the constitutional rights of legal entities, legal organisations, the state, and municipalities to acquire and organise the full disposal of land, the creation of a developed land market with appropriate infrastructure, the creation of conditions and incentives for the effective use of land in accordance with the needs of landowners, territorial entities, and society in general, and ensuring reliable protection of the land resources of the country from degradation and inefficient use. It is worth considering the land balance of Kazakhstan (Figure 1).

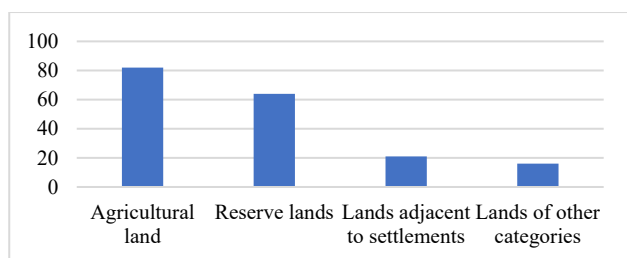


Figure 1. Land balance in Kazakhstan in 2023, million hectares

Source: [6].

As can be noted from the data provided, the lands amount to 183.4 million hectares, which is a very high indicator. It is worth mentioning that a rather important fact is the return of 5 million hectares of land from illegal use, in connection with which it is necessary to consider statistics (Table 1).

Table 1. Control over the use and protection of land

Inspections conducted	2406
Violations identified	1111, of which 1072 – violation of land legislation
Total fines applied	219.8 million tenge

Source: [6].

In this case, violations were identified that relate to non-compliance or violation of land legislation. The most common offences should be considered in more detail (Figure 2).

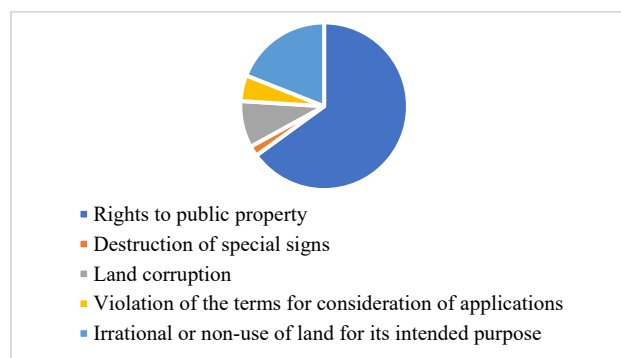


Figure 2. Statistics of violations of land legislation, %

Source: [6].

The data provided allows concluding about systematic violations of land legislation by the population of Kazakhstan, in connection with which the level of efficiency of the functioning of this sector is decreasing. This makes it necessary to conduct a more detailed analysis of the mentioned industry and identify the main problems.

The largest number falls on agricultural land, which is a special category of land. The legal regime for the use of such land plots is determined by a certain set of characteristics due to the “special composition of objects and subjects”. The determination of the specific rights and obligations of the owners of land plots and persons to whom they do not belong is based on the processes of use, protection and zoning of the territory of such land plots. The land fund of Kazakhstan includes all lands located on the territory of the state. Agricultural lands occupy an important place in the hierarchy of the land fund of Kazakhstan. The definition of agricultural land is fixed in paragraph 1 of Art. 97 of the Land Code of the Republic of Kazakhstan, according to which agricultural land is recognised as land provided for the needs of agriculture or intended for this purpose [7]. This provision contains a specific description of the division of land plots into different categories, which are assigned a certain legal regime depending on the purpose of these land plots.

Land plots intended for the organisation of agricultural production, afforestation, industrial and non-industrial facilities, and buildings or complexes, considering the

lands intended for their maintenance of buildings in accordance with their purpose, may be privately owned by citizens of other states, stateless persons, and foreign legal entities, with the exception of land plots intended for the production of agricultural products and forest cultivation. However, the transfer of land plots located in the immediate vicinity of the border and in the border zone of Kazakhstan to the private ownership of citizens of other states, stateless persons, and foreign organisations of the organisational and legal form of ownership is not allowed.

In accordance with paragraph 1 of Art. 97 of the Land Code of the Republic of Kazakhstan, the legitimate definition of agricultural land is that agricultural lands are recognised as those that are provided for the needs of agriculture or intended for these purposes [7]. According to paragraphs 2-3 of Art. 97 of the Land Code of the Republic of Kazakhstan, agricultural lands also include lands on which there are on-farm roads, communications, closed reservoirs, reclamation networks, buildings, and structures intended for the needs of agriculture, and other lands such as alkaline soils, sands, takyrs, and other sites interspersed with arrays of agricultural land, which are also recognised as agricultural land [7].

Agricultural territories require special protection, and the use of such lands for purposes other than agricultural production is allowed only in special cases in accordance with Art. 90 of the Land Code of the Republic of Kazakhstan [7]. An example of such special cases is the development of museums-reserves, which are the historical and natural legacy of the state. For example, in accordance with the Decree of the Government of the Republic of Kazakhstan No. 674 “On approval of the Rules for the sale of housing to participants in the pilot projects of the Nurly Kosh programme”, the state Historical and Cultural Museum-reserve “Berel” was created. The Akim of the East Kazakhstan region decided to grant the enterprise a land allotment with a total area of 174.0 hectares from the agricultural fund of the Katon-Karagai district on the right of regular land use [8]. Notably, the current state of the historical and cultural legacy of Kazakhstan is determined by a variety of measures taken by the state to preserve and develop entrenched traditions, transform objects of historical value into the cultural legacy of the peoples of Kazakhstan. Assigning such objects, the status of a reserve primarily means that the state provides a special regime for the protection and management of territories and objects included in it. Moreover, it is not only a cultural organisation but also a scientific institution created in the form of a state institution. Thus, the purpose of the activity of such reserves is the preservation and examination of objects of historical and cultural legacy and cultural values located on their territory and their public presentation. Along with the above, the land legislation does not contain clear requirements regarding the disposal of these territories, which should be regulated. In this regard, it is necessary to develop amendments to the land legislation that define the procedure and conditions for the use of agricultural land for the described purposes.

On the land plots provided to individuals and legal entities for the production of agricultural products, farms and household plots of personal subsidiary farms, the construction of objects not related to the performance of

agricultural work, including residential buildings, even individual ones, is not allowed. Therewith, agricultural lands of special value, such as irrigated agricultural lands, arable land, deposits, and lands intended for perennial plantings, cannot be used for the construction of livestock facilities, temporary buildings, outbuildings for seasonal work, and livestock maintenance, in accordance with legislation concerning the breeding of animals on agricultural land.

According to the current legislation, agricultural lands are arable land, deposits, and lands allocated for perennial plantations, hayfields, and pastures. Arable land is considered to be a plot of land that is regularly cultivated and intended for sowing crops, perennial grasses, including pure pairs. Land plots of hayfields and pastures allocated for sowing intermediate crops, ploughed for capital improvement, or intended for sowing row spacing of gardens are not considered arable land. Standards that define in detail the procedure for providing such land on a competitive basis have been developed and implemented to improve the procedure for leasing agricultural land [7].

Since the beginning of 2021, auctions for the sale of land plots or their transfer to rental use are conducted in electronic form on the web portal of the state register of property [9]. For effective and proper management of agricultural land, measures have been taken to introduce land into market circulation. Notably, the alienation of lands of different categories of agricultural purposes should not serve as a basis for including them in the list of lands intended for agricultural use and extending to them the regime of application and protection of such lands. The procedure and principles for the use of forest fund lands are regulated in detail by the norms of forest legislation. Legislation in the field of land law proceeds from the principle that land intended for agricultural use should be used exclusively for agricultural production. In this regard, regulatory authorities should have the appropriate regulatory legal acts that allow for assessing the availability of such productions for effective control over the use of agricultural land and evaluating their current condition. The importance of focusing exclusively on agricultural land, excluding other categories of land, is notable. An important aspect of the successful development of the cooperative movement is the solution of issues related to land relations since the unification of small farms into large cooperatives is not always possible without the unification of land plots belonging to members of the cooperative. The history of the development of agrarian and land relations in sovereign Kazakhstan, including the issues of the legal regime of cooperative lands, was complex and contradictory. Therefore, it is worth considering some aspects of this problem.

Modern statistical classification distinguishes three main categories of producers in agriculture, namely – agricultural enterprises, which are mainly large farms that were established as a result of the collapse of Soviet collective farms and state farms; private farms, which are mainly small or medium-sized private enterprises; households, which include small plots of land that are cultivated by families, living in rural areas, for their own needs. The northern districts are distinguished by the presence of large capital-intensive grain and livestock farms, which profit by increasing production volumes. The

strategy of regulating land relations in other countries deserves special attention. The world experience in the development of the agricultural sector clearly shows that in such countries certain state laws have been established that clearly delineate all aspects of the disposal of land resources, both for owners and tenants of land. In the economically developed countries of the world, the basic principles of the use of agricultural land are the rights and obligations of landowners and tenants and not the form of ownership of land.

The experience of other countries provides an opportunity to conclude that private ownership does not always guarantee high economic, environmental, and social efficiency of land management. For example, in the Netherlands, the land belongs to the state, but local agriculture is one of the most developed in the world. The structure of the institution of private property is also gradually changing, and the current owners of the land no longer have the powers that they previously had. At the state level, not only their rights of use are restricted, but also the rights to dispose of their land plots [10]. Great Britain is a country of agriculture on leased land. However, the government has mostly switched to the “farmer – owner” model, while in Germany it is the opposite. In France, half of the land is leased, and in Belgium – 2/3 of the entire land. The most fertile land of the Netherlands – the polders – belongs to the state. And in all these countries, there is a high level of intensity of agricultural production [11].

In the United States, the legal regulation of rental relations is very limited. There is no single federal law on land lease in the country. At the beginning of the 20th century, laws were adopted at the level of individual states, considering the historically developed local features of rental relations. A substantial advantage of these legislative acts was that they regulated only the basic issues of rent, leaving the decision of the rest to the discretion of tenants and landowners. The laws of the states provide the tenants with considerable freedom in their activities. According to the legislation, during the term of the contract, the tenant has the right not only to use, but also to freely dispose of the property within the limits established in the lease agreement [12]. In addition, the tenant is not legally restricted in choosing the purpose for which they lease the land. However, it is prohibited to rent land for illegal purposes. The main emphasis in the current land lease regulations of individual states is on determining the legal rights and obligations of the tenant and the owner of the land and ensuring compliance with lease agreements. As in other countries, farmers in the United States are divided into three groups of land owners: absolute owners who own all the land they cultivate, partial owners who lease part of the land they cultivate, and full tenants of their land engaged in the production of agricultural products. Land owners in the United States who have absolute ownership can rent a substantial area of land, but it cannot exceed 1/3 of the total area of their land. Farmers-owners can rent a certain part of the land to observe crop rotations. Partial owners usually own and lease land plots in a 50/50 ratio [13].

All three types of farms in the form of land ownership (full and partial owners and full tenants) interact with each other. Thus, full owners, expanding production through the

lease of additional land, become partial owners. In turn, partial owners, buying or giving up leased land, can become full owners. In addition, full tenants, buying part or all of the land, can become partial or full owners, respectively. In this case, the decision depends on the financial capabilities of farmers, based on the results of their production activities and the economic situation. The group of tenant farmers is the most dynamic and responsive to changing economic conditions. This is because the owner of the land would not cooperate with a tenant whose production efficiency is low. Therewith, farmers who own land can do business for a long time with low profitability of agricultural production.

Each country faces a number of similar problems in the field of legislation on agricultural lands, such as issues of land ownership, development of agricultural territories, and lease of farms. However, these common problems have led to different approaches to laws and regulations in different countries. Some agrarian land issues are directly related to the political, social, or geographical features of a particular country. In general, such problems are solved by developing policies, laws, and regulations specifically adapted to the specific situation. However, even in cases where the basic structure of legislation is expected to be similar, there is still a variety of approaches. For example, the implementation of the programmes of the European Community by its members also shows differences in approaches [12]. That is, there are more differences between countries in the agrarian and land legislation than there are similarities. It is proposed to amend the legislation of Kazakhstan to ensure public access to information on the state of land resources, which provides for the publication of annual reports on the state of the land fund in the official media. This will be an effective mechanism of public control over the activities of authorities and management. In addition, it is proposed to develop a special law that will regulate soil protection. State bodies that make decisions in the process of land management should also be responsible for solving environmental problems. It is necessary to prepare comments that will be thoroughly justified to ensure the correct interpretation and uniform application of land legislation in Kazakhstan. Such important documents should be prepared by qualified commissions, which should include specialists from various fields.

For the development of agricultural cooperation in Kazakhstan, it is recommended to implement measures in the following areas: improving the legal support of entrepreneurship in the field of agricultural cooperation, the introduction and use of economic instruments to stimulate the activities of agricultural cooperatives, organisational, informational, and consulting support for agricultural cooperatives, including the involvement of organisations developing business support infrastructure, training and retraining of personnel, support of subjects of agricultural cooperatives in the sale of their products, and the development of a mechanism to protect the rights and legal interests of agricultural cooperatives.

Issues of the legal regime of museum-reserve lands in the Republic of Kazakhstan are not regulated clearly enough according to the current Law of the Republic of Kazakhstan No. 288-VI ZRK “On the protection and use of objects of historical and cultural legacy” [14] and Land

Code of the Republic of Kazakhstan [7]. Law of the Republic of Kazakhstan No. 288-VI ZRK “On the protection and use of objects of historical and cultural legacy” needs to be supplemented in many of its provisions. For example, requirements for the protection of objects of historical and cultural legacy should also include requirements for the protection of the lands on which they are located. In addition, many issues related to the arrangement of specially protected natural areas and the regime of use of monuments are within the competence of local self-government bodies. Thus, it is necessary to establish uniform requirements for objects of historical and cultural importance, depending on various criteria, and to consolidate the requirements of modern land reform at the legislative level. This will provide an opportunity to increase the level of efficiency of land relations regulation. Subsequent research will be aimed at analysing the problems and prospects of the green economy.

Discussion

Land ownership is one of the most difficult issues in modern economic theory. Property permeates all socio-economic relations and forms the character, structure, and features of the economic system of society. As J. Aznar-Sanchez *et al.* state, land ownership is one of the most important economic categories defining the totality of socio-economic relations, and its forms correspond to the developing socio-economic system at all levels [15]. It is worth agreeing with this opinion since the content, forms, methods, and mechanisms for the realisation of land ownership are becoming more complex with the development of productive forces and social progress, which implies the dynamic development of property relations and the evolution of ideas about society. Land ownership has its own characteristics arising from the role and importance of land in social development [16; 17].

The essence of land ownership is complex and multifaceted due to the fact that land resources are perceived as objects of business and means of production in agriculture and real estate [18-21]. According to R.L. Chazdon *et al.*, such categories as land ownership, land use, and land disposal are used to cover the content of land ownership, which together form the basis of land relations [16]. The study agrees with this, but it is important to note that another feature of land ownership and land relations is that they are subject to state regulation all over the world. State regulation affects all aspects of land ownership, land use and disposal in all countries of the world, even though land ownership here is formally private [22; 23]. L.S. Prokopy *et al.* state that in the USA, despite the fact that priority is given to private ownership of land, the federal government owns a substantial part of land ownership; for example, in Nevada, the federal government owns 79.8% of the land, and in Utah – 64.3% [17]. Notably, regarding this author’s statement, most of the land should belong to the state.

Changes in the Land Code of the Republic of Kazakhstan provide for the lifting of restrictions on the use of leased agricultural land. The law allows land users to conduct actions related to lease rights, such as mortgaging or leasing land for the duration of the lease agreement. Procedures for changing the value of land are also simplified. During the construction of agricultural

facilities, the obligation to change the purpose of agricultural land or change the form of economic activity on these lands is excluded [24; 25]. The Ministry of Agriculture of the Republic of Kazakhstan introduces amendments and additions to the Land Code of the Republic of Kazakhstan for the purpose of legislative regulation of proposals for improving land legislation prepared by the Land Management Committee and provides for the following new norms [7].

The main innovations are noted below. Firstly, it is the transfer of public administration functions from the akimats of cities and districts to the Committee on Land Management of the Ministry of Agriculture and the creation of regional management bodies. Further, it is a ban on the transfer of agricultural land to private ownership and the granting of the right of use to citizens of Kazakhstan who are married to foreigners or stateless persons. In case of marriage between a citizen of Kazakhstan and a foreign person or a stateless person, the right to private property or land use on agricultural land will not be alienated [26]. Local authorities are required to regularly publish information about free land programmes and auctions through the web portal of the National Register of Property, Internet resources, and special information panels available in public places. Applicants have the right to appeal against the protocol decision of the Land Committee to the court in accordance with the Code of Administrative Procedure of the Republic of Kazakhstan within seven working days from the date of its receipt. Persons who have lived for more than five years in a certain district, city, or village have benefits in the form of additional points when taking part in competitions for the right to temporary use (lease) of land plots for farming or agricultural production [27-30]. This regulatory act was developed as part of the implementation of the recommendations of the Land Reform Commission. The new measures are aimed at improving land legislation, regulating the system of agricultural land lease, and strengthening state control over land use and protection [18; 31].

S. Nasiakou *et al.* write that the experience of world practice testifies to the inelasticity of the supply of land and land resources, which is natural since land is a limited natural resource that is not produced [19]. The authors agree with the statement, noting that the demand for land depends on various factors, such as the price of agricultural products, the development of market mechanisms for land turnover, and the availability of economic freedom of land use. This last factor contributes to the formation of a rational and effective attitude to land. On the one hand, private ownership of land may restrict the free movement of capital in the agricultural sector of the economy since written permission from the land owner is required for the use of land plots [32; 33]. However, the size of land suitable for agriculture is strictly limited, which allows land owners to dictate high rents for the land plots provided. Tenants also find themselves at a disadvantage, as they have to set inflated prices for agricultural products compared to other sectors of the economy [34].

W. Qiang *et al.* mention that in such post-Soviet states as Lithuania, Latvia, and Estonia, during the transition to market relations, land restitution was conducted, private property was restored and a land market was formed;

Therewith, in Belarus, Uzbekistan, and Tajikistan, exclusive state ownership of agricultural land was preserved, and these countries refused to introduce private land ownership [20; 35]. It should be added to the position of the authors that the experience of Lithuania, Latvia, and Estonia is closer to the national policy of Kazakhstan than that of neighbouring countries – Uzbekistan and Tajikistan. In general, the transformation of state ownership of land in the post-Soviet space has led to a wide variety of forms of land ownership and contributed to the creation of a competitive environment in the field of land relations as a basis for the development of a market mechanism [36-38]. In economically developed countries, land relations have become a key mechanism for the implementation of land policy and the main element of the land management system. The developed system of land use allows for the effective conducting of state functions for land management, such as planning and organisation of rational use of land, land cadastre, and monitoring, land control, the use of modern methods of ecological and economic regulation [39; 40].

In some European countries, there is a plurality of real estate objects. For example, G. Debrunner & T. Hartmann state that according to the Swiss Civil Code, the objects of ownership are all types of real estate. That is, real estate includes plots of land and buildings on them; similar norms also apply in Spain, Greece, Albania, and Portugal [21]. From this position of the authors, it should be concluded that the right to own land plots in European countries practically coincides. Thus, C. Perrin *et al.* note that in France this right includes what is above and below the ground [22]. Complementing the position of the authors that the right of acquisition is important: the essence lies in the extension of ownership of land and what it produces, affiliations of natural and artificial origin.

The state having a strict right to determine the persons to whom it is possible to sell land, considering the goals of the purchasers is common to the world experience, which helps to prevent speculation in land plots. Certain principles are inherent in the legal regulation of a number of economically developed countries. Thus, this is considering the national and historical features of the state, legislative regulation of norms and rules, the main economic mechanism for the distribution, redistribution, and rational use of land resources, mandatory payment for land use, the development of the agricultural sector through private and rental land use. That is, the land market is the market of the factor of production, which will always be in demand. The implementation of these principles in the law enforcement practice of Kazakhstan will provide an opportunity to increase the level of efficiency of the land sector.

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Conclusions

The study was conducted to examine land policy and relevant legal relations in the Republic of Kazakhstan, identify problems, and develop recommendations for their elimination. The current legislative framework was examined, which provided an opportunity to identify the characteristic features, principles, and signs of the implementation of land policy. The analysis of the current state of land relations was conducted in accordance with the norms of the current legislation.

It was noted that the principle of “special protection of agricultural lands” requires further legislative consolidation. Therewith, it is necessary to establish legal restrictions on the turnover of valuable agricultural land for the transfer of individual ownership for personal use. It was identified that the lack of regulation of agricultural land turnover should be compensated by a special law, with a more detailed examination of the issues of rational use of agricultural land and the creation of a special provision on public control and the features of limited land turnover. Therefore, it is important for modern Kazakhstan to adopt a special regulatory legal act that will determine the order of rational disposal of agricultural land. This will provide an opportunity to establish the basic principles of national policy and the legal basis for the activities of public authorities, legal entities, and individuals for the rational and careful use of agricultural land. It will also be important for the introduction of new mechanisms that stimulate the transfer of agricultural land to private ownership, including through their privatisation, and a set of legal measures to ensure their rational and efficient use.

An analysis of the experience of other countries, the state mechanism of regulation of the examined industry of which is effective and clearly regulated, was conducted. Each state has its own individual approach, which considers all the features of land relations, the political, economic, historical, and cultural components of the country. Subsequent research will be aimed at conducting a detailed analysis of the green economy, assessing its prospects and problems in Kazakhstan.

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Conflict of Interest

None.

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Земельна реформа в Республіці Казахстан: Проблеми правового регулювання земельних відносин

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Анотація

Актуальність. Актуальність дослідження зумовлена необхідністю вирішення проблем в аграрному секторі, які полягають у порушеннях чинного законодавства та зниженні рівня ефективності функціонування досліджуваного сегмента.

Мета. Метою дослідження є аналіз нормативно-правової бази законодавчого регулювання земельних відносин в Республіці Казахстан.

Методологія. Використовувалися такі методи, як догматичний, юридична герменевтика, логічний аналіз, дедукція, індукція.

Результати. У ході дослідження було проаналізовано нормативно-правову базу та відповідну практику її застосування. У зв'язку з цим були виявлені проблемні аспекти, недоліки та суперечності норм, що містяться в них. Відзначено важливість реформування аграрної економіки, що полягає в організації кооперативів та акціонерних підприємств без участі держави. Визначено, що ця необхідність полягає у важливості системи широкої кооперації для ефективного здійснення діяльності з об'єднання земельних ділянок та індивідуальних засобів виробництва, підвищення продуктивності сільського господарства, раціонального використання земельних ресурсів. Зазначено, що необхідно забезпечити повну реалізацію аграрними організаціями, громадянами та іноземними особами права на землю, встановити умови угод, які виключатимуть можливість їх розкрадання, нераціонального використання, спекуляції, переведення в інші категорії.

Висновки. Визначено, що впливовим буде створення спеціального закону та внесення норм до інших актів, які міститимуть норми щодо більш детального порядку цільового використання земель, регулювання моніторингу та контролю, а також особливостей обмеженого обороту. Практичне значення одержаних результатів полягає у розробці рекомендацій, впровадження яких у правозастосовну практику надасть можливість підвищити рівень ефективності та якості законодавчого регулювання земельних відносин.

Ключові слова: інновації; законодавчий акт; урядова постанова; світовий досвід; ринкові відносини.