

Socio-legal challenges of legal regulation of land relations in the Republic of Kazakhstan

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Abstract. The purpose of this study was to identify systemic problems of legal regulation of land relations in the Republic of Kazakhstan. The study employed a combination of institutional and systemic approaches to comprehensively consider land relations as a single regulatory system that combines legal provisions, socio-economic mechanisms, and administrative practices. The study revealed substantial disproportions in the access of various categories of land users to land resources, where only 6% of allocated plots are held by small farms, while large agricultural holdings, having extensive financial resources and professional legal support, have preferential access to land resources. Systemic shortcomings in land use control mechanisms were identified, including the lack of a unified electronic land cadastre platform and limited access to information on available land plots, which creates preconditions for corruption risks and non-transparent resource allocation. The study identified problems with insufficient integration of environmental requirements into land use practices, which leads to soil degradation, as well as ineffective mechanisms of liability for violations of environmental standards due to the difficulty of proving violations and the length of court procedures. A separate problem is the limited role of local communities in land management processes and the lack of transparency in land allocation procedures for social needs, which creates preconditions for social tension. Based on a comparative analysis of the practices of other states (Uzbekistan, Kyrgyzstan, and Georgia) and recommendations of international organisations, the study developed comprehensive proposals for improving legal regulation, including creation of open registers and public cadastres to ensure broad public access to information on land plots; introduction of electronic services to simplify procedures for obtaining and registering land; strengthening the role of local communities through public control mechanisms; and establishing clear criteria for foreign investors' access to land resources. The proposed measures are aimed at ensuring greater social justice and economic efficiency in the field of land relations in Kazakhstan, while the findings obtained can serve as a basis for further improvement of legal regulation in this area and development of mechanisms for digital transformation of land administration

Keywords: agricultural holdings; community; public administration; environmental safety; investment attractiveness

Introduction

The legal regulation of land relations in the Republic of Kazakhstan is one of the most dynamic and significant areas of public administration that requires constant improvement and adaptation to modern challenges. Of particular

relevance are the issues of digitalisation of land relations, ensuring environmental safety and rational use of land resources in the context of the development of a green economy. Socio-legal challenges in the field of land relations regulation

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require a comprehensive analysis of the existing regulatory framework and the development of innovative approaches to solving existing problems. The significance of effective legal regulation of land relations is increasing due to the growing role of the agricultural sector in Kazakhstan's economy and the need to ensure the country's food security. The current situation requires the creation of an effective legal regulatory system that addresses both the specific national features and international standards in the field of land relations.

Many researchers have explored the fundamental aspects of legal regulation of land relations. L. Igaliyeva *et al.* (2020) analysed the economic mechanism for ensuring environmental safety in Kazakhstan and found that 75% of the country's territory is at increased risk of environmental destabilisation. The researchers found that the existing environmental governance mechanisms are unsystematic and inconsistent with current market conditions, which led to the development of comprehensive recommendations for improving the economic mechanism for ensuring environmental safety, including reforming legislation, introducing environmental education, and strengthening the scientific basis for environmental safety. M. Abaikyzy *et al.* (2020) investigated the legal nature of land easements as a branch of civil and land law. The researchers identified the historical, generic, and structural features of easements, substantiated the need for their regulation by a single branch of law, and proposed concrete mechanisms for improving the legal regulation of easement relations.

E. Kuandykova *et al.* (2020) conducted a comprehensive analysis of the legal regulation of the digital transformation of public administration in agriculture. The researchers substantiated the dependence of the effectiveness of digital solutions on the level of public administration organisation and proposed innovative approaches to legal regulation in the digital reality. The researchers developed recommendations for improving the regulatory framework, specifically, emphasising the significance of legislative consolidation of the principles of digitalisation, ensuring access to financial resources for agricultural producers, strengthening liability for violations in the use of a single national platform, and improving the legal regulation of agricultural product traceability monitoring. L. Yerkinbayeva *et al.* (2022) expanded on the study of digitalisation by focusing on the legal regulation of environmental information. The researchers provided comprehensive recommendations for improving legislation on access to environmental information and proposed mechanisms for protecting citizens' environmental rights in the context of digitalisation. Specifically, it was proposed to create a single digital platform with unrestricted access to environmental data, ensure its real-time updating, introduce mechanisms for verifying information, strengthen responsibility for concealing it, and standardise digital environmental reporting by enterprises.

Important aspects of land relations reform were revealed in the studies of contemporary researchers. A. Ozenbayeva *et al.* (2024) conducted a detailed analysis of the legal framework for the legislative regulation of land relations in the Republic of Kazakhstan. The researchers identified problematic aspects, shortcomings, and contradictions in the existing regulations, noted the significance of reforming the agrarian economy and substantiated the need for a special law to regulate the targeted use of land in detail. A. Satybaldin *et al.* (2024) investigated the effects of institutional changes

on the process of land reform in the agricultural sector. The researchers proved that the quality of the adopted regulations directly affects the socio-economic and environmental situation and proposed concrete mechanisms for improving the institutional system. L.K. Kaidarova *et al.* (2023) developed theoretical and practical aspects of the development of the agricultural land market, proposing innovative ways to improve the efficiency of state regulation through the introduction of automated information technologies.

A. Yessekeyeva (2018) investigated the constitutional, legal, and systemic aspects of land relations, revealing the conceptual foundations of modern land and legal policy and substantiated the need to improve the quality of state regulation of the land market. A. Kurmanova (2024a) investigated the issues of property rights to natural resources, proposing mechanisms for improving the constitutional regulation of ownership of natural resources. R. Abdullaev (2022) conducted a comprehensive analysis of the legal mechanisms for the implementation of land ownership, examining the procedures for granting land plots and systematising the requirements for documentation.

The analysis of the scientific literature showed that various aspects of legal regulation of land relations in Kazakhstan have been thoroughly explored. At the same time, the issues of legal support for the digital transformation of land relations, mechanisms for harmonising national legislation with international standards, and legal regulation of new forms of land use in the context of the development of the green economy are still understudied. Particular attention should be paid to the issues of improving the legal regulation of land monitoring and developing effective mechanisms for protecting the rights of landowners in the context of digitalisation.

The purpose of this study was to conduct a comprehensive analysis of the socio-legal challenges in the field of land relations regulation in the Republic of Kazakhstan. To fulfil this purpose, the following tasks were identified:

- 1) to analyse the regulatory framework for the regulation of land relations in the Republic of Kazakhstan, including constitutional provisions, sectoral legislation, and mechanisms of state land management;
- 2) to investigate the socio-economic effects of the current legal framework on various categories of the population, including small farmers, local communities, and large agro-industrial companies;
- 3) to identify the principal issues in law enforcement and conflicts in land relations and develop recommendations for improving legal regulation to ensure fair access to land resources and their efficient use.

Materials and methods

The methodological framework of the study was a combination of institutional and systemic approaches, which helped to consider land relations as a complex institution that combines legal provisions, socio-economic mechanisms, and administrative practices into a single regulatory system. The theoretical framework of the study included the concept of sustainable development set out in the Voluntary Guidelines on the Responsible Governance of Tenure of Land by Food and Agriculture Organisation (2022), which helped to assess the balance between economic, social, and environmental aspects of land use, as well as to determine the degree of compliance of national legislation with international standards in the field of land relations.

The study employed a combination of general scientific and special legal methods. The comparative legal method was employed to compare the mechanisms of regulation of land relations in Kazakhstan and other post-Soviet countries, specifically, when analysing Uzbekistan's practices of privatisation of non-agricultural land, Kyrgyzstan's practice of decentralisation of land management, and Georgia's approaches to liberalising foreign investors' access to the land market. The formal legal method was employed for a detailed analysis of the structure and content of legal acts, identification of legal conflicts and gaps in regulation, especially in terms of land allocation procedures and mechanisms for resolving land disputes. The study employed the systemic-structural method to investigate the interaction of multiple levels of legal regulation, starting from the constitutional provisions on state ownership of land to concrete mechanisms for exercising land use rights at the local level.

The legal framework of the study included the Constitution of the Republic of Kazakhstan (1995), the Land Code of the Republic of Kazakhstan (2003), laws and regulations governing certain aspects of land relations, as well as international documents, including the Voluntary Guidelines on the Responsible Governance of Tenure of Land by Food and Agriculture Organisation (2022), and the United Nations Sustainable Development Goals. Analytical materials of international organisations were analysed in detail: World Bank (1994) reports on the agricultural sector of Kazakhstan, United Nations (2021) assessments on environmental aspects of land use, European Bank for Reconstruction and Development (2022) recommendations on the investment climate, Organisation for Security and Co-operation in Europe (2016) studies on regional security and Organisation for Economic Co-operation and Development (2014) analytical reviews on regulatory policy. A valuable source was the judicial practices, specifically, the decisions and summaries of the Supreme Court of the Republic of Kazakhstan on land disputes (Judicial Collegium on Administrative Cases of the Supreme Court of the Republic of Kazakhstan, 2023; Judge of the..., 2017), which helped to identify systemic problems in law enforcement and assess the effectiveness of judicial protection of land users' rights.

The empirical framework of this study was formed by the official statistical data of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan (2024a; 2024b) for 2023-2024 on the state of agriculture and land use, analytical reports of the Ministry of Agriculture of the Republic of Kazakhstan (2023) on the state of land resources, and information from the electronic legal information portal "Adilet". The results of the public monitoring of the quality of public services in the land sector, sectoral studies of labour productivity in various sectors of the economy (Halyk Research, 2024a; 2024b) and analytical reviews of the country's largest agricultural holdings (The SKO is..., 2022) were used to comprehensively assess the practical aspects of the implementation of land legislation and its effects on various categories of land users, from large agro-industrial companies to small farms.

Results and discussion

Regulatory framework for the governance

of land relations in the Republic of Kazakhstan. Land is considered an integral part of the national wealth, as it meets the needs of agricultural production, ensures the

development of industry, construction of infrastructure facilities, and influences the development of the investment climate of the state. That is why the legal regulation of land relations in the Republic of Kazakhstan combines both constitutionally mandated rules on the state's ownership of land and subsoil and flexible mechanisms for transferring certain plots to private ownership and use. According to the Constitution of the Republic of Kazakhstan (1995), the state regulates land use, but it can delegate certain powers to local authorities, giving them the right to dispose of land for the needs of regional development and social projects. At the same time, the key principles of land use, alienation, and protection are formulated in the Land Code of the Republic of Kazakhstan (2003), which makes provision for concrete types of land rights (private ownership, permanent land use, lease, easement, etc.), and defines legal regimes for different categories of land – from agricultural land to land of settlements or reserve land. All these provisions are intended to reconcile economic interests, public needs, and environmental standards, specifically regarding soil fertility and the rational use of resources.

The state land cadastre is one of the crucial elements of the current system of land relations regulation, which enables the registration of existing land resources, fixing the boundaries of plots and controlling their intended use. The cadastre data should be publicly available to minimise corruption risks and simplify the procedure for verifying the legal status of land. In this context, the government of Kazakhstan is introducing electronic platforms that provide quick access to cadastral data and allow potential investors to quickly verify information about available plots. For instance, the official portal Adilet.kz contains the latest versions of laws and regulations governing land relations and provides links to the land cadastre database. Despite the advances in the field of informatisation, researchers point to shortcomings in the practice of applying land legislation due to the need for frequent revisions and amendments to regulations to align them with the real needs of local communities and investors. Specifically, there are frequent complaints about non-transparent procedures for allocating land for housing or socially important facilities, as well as a complex system of approvals for transferring land from one category to another, which sometimes hinders economic activity.

Researchers have considered this problem from different perspectives. In the study on reforming land relations in Kazakhstan, A. Mukhtarova (2023) focused on the historical specifics of Kazakh land use, where conventional farming practices continue to exist alongside modern agricultural holdings and developed commercial farms. This combination creates further challenges for regulators, as legislation must account for the various ways of managing land, which involve distinct legal statuses of land plots. M. Spies *et al.* (2023) conducted a comparative analysis of agrarian transformations in Central Asian economies, emphasising the significance of stable legal institutions and overcoming historical dependencies to promote sustainable rural development. O. Abraliyev *et al.* (2024), drew analogous conclusions, examining the optimisation of irrigated agriculture in Kazakhstan in terms of the adequate balance between state regulation and the expansion of private initiative. The researchers pointed out that although the legislation establishes a fairly clear framework, the details

often leave room for ambiguous interpretation, which can be used by unscrupulous actors to obtain land without due regard for the public interest. For a better understanding

of the structure and specifics of legal regulation of various categories of land, it is proposed to consider their systematic classification (Table 1).

Table 1. Categories of land and their legal regulation in the Republic of Kazakhstan

Land category	Legal regime	Target purpose	Authorities responsible	Notes
Agricultural lands	Private ownership, lease, permanent land use	Crop production, animal husbandry	Ministry of Agriculture, local akimats	Responsibility for preserving soil fertility and rational use of resources
Lands of settlements	Private property, municipal property	Residential, commercial, and social construction	Local akimats	Necessity of adherence to urban planning standards
Lands for industry, transport, communications	Communal or state ownership, possibility of leasing	Construction and operation of industrial and infrastructure facilities	Ministry of Industry and Infrastructure Development	Simplified procedures for strategic investors
Lands of the nature conservation fund	State-owned property	Nature protection, ecosystem conservation	Ministry of Ecology, Geology and Natural Resources	It is forbidden to change the intended purpose
Reserve lands	State property, temporary lease	Reservation for future use	Local akimats	Clearly regulated procedures for changing status

Source: created by the authors based on the analysis of the Constitution of the Republic of Kazakhstan (1995), Land Code of the Republic of Kazakhstan (2003) and findings of G. Kurmanova (2024b)

The classification of land presented in Table 1 demonstrates the complex nature of the land relations system in the Republic of Kazakhstan, which reflects a multi-level approach to land management, considering its specificity and social significance. Particular attention in this system is paid to the separation of powers between various state and local authorities, which ensures more effective control over the use of land resources and compliance with the established requirements. Another significant aspect is the clear definition of possible forms of ownership and conditions of use for each category of land, which creates a transparent legal framework for all participants in land relations. The system accounts for both the economic interests of the state and private owners, as well as the need to preserve natural resources and ensure sustainable development of territories. This balanced approach enables effective regulation of land relations while protecting the public interest and creating favourable conditions for economic development. Notably, each category of land has specific requirements and restrictions that factor in the specifics of its use and potential risks that may arise when changing its designated purpose or form of ownership. This creates an extra level of protection of strategically significant land resources and ensures their rational use according to the state development priorities. The system also allows adapting to changing economic conditions through lease and temporary use mechanisms, which makes it flexible enough to meet the needs of various categories of land users.

The legal regulation of land use in Kazakhstan encompasses a comprehensive approach to the distinction between state, municipal, and private property, with the term “land use” often interpreted as the right to own and use land without a final transfer of title (Buribayev *et al.*, 2020). This approach is reflected in the Land Code of the Republic of Kazakhstan (2003) (Articles 20-23) and establishes the procedure for entering into lease agreements with both Kazakh citizens and foreign investors. For the latter, there are certain restrictions on lease terms and designated purposes, as well as requirements to follow environmental legislation and preserve the agricultural potential of the plots. In case of

breach of contract or inefficient use of the land, the state is entitled to withdraw the land plot with compensation for losses. At the same time, the process of land acquisition for state needs (e.g., for the construction of roads or social infrastructure) is often accompanied by property disputes, as not all owners agree on the estimated value of the land or the terms of compensation (Judge of the..., 2017). That is why state institutions are constantly improving mechanisms for the legal resolution of such conflicts and increasing the transparency of procedures through the publication of cadastral data, organisation of public hearings, and expanding access to electronic services.

A. Gregoire *et al.* (2024) confirmed the existence of these legal requirements but revealed substantial shortcomings in their practical implementation. The researchers documented that the implementation of environmental protection measures is hampered by outdated soil monitoring methods and limited funding for technological modernisation. These conclusions were further supported by O. Alipbeki *et al.* (2025), who found a direct link between the lack of comprehensive environmental monitoring and the deterioration of land quality in certain regions of Kazakhstan. Their analysis showed that the imperfections of control systems create long-term risks for the agricultural sector and rural communities, despite the existence of relevant provisions in the Land Code of the Republic of Kazakhstan. According to the Senate of the Parliament of Kazakhstan (Bill on digitalisation..., 2023), the government is implementing comprehensive reforms to improve the efficiency of land management. Specifically, legislative initiatives are aimed at improving the land cadastre, which allows for automated land registration, transparency of land allocation, and increased responsibility for their irrational use.

Notably, the international community is paying attention to land reforms in Kazakhstan in view of the country's potential to supply the global market with grain, meat, and other products. Some recommendations by United Nations bodies and specialised agencies, such as the Food and Agriculture Organisation (2014), emphasise the need to maintain the sustainability of land resources and to use

innovative technologies in agriculture. Finding a balance between attracting private capital and ensuring compliance with environmental requirements is particularly urgent in arid regions, where improper land use can lead to degradation of pastures and reduction of freshwater reserves (Brynzanska, 2024). Thus, it can be argued that the current system of legal regulation of land relations in Kazakhstan is multi-component and dynamic: it consists of constitutional provisions on state ownership of land, fundamental provisions of the Land Code of the Republic of Kazakhstan (2003) on land categories, complex lease procedures, cadastral registration mechanisms, and environmental regulations on the protection of fertility and natural resources.

An analysis of the legal regulation of land relations in post-Soviet countries revealed a substantial diversification of approaches to reforming this area, as evidenced by the adoption of a series of progressive legislative acts in neighbouring countries. Specifically, since 2020, Uzbekistan has had a Law of the Republic of Uzbekistan No. ZRU-728 "On Privatisation of Non-Agricultural Land Plots" (2021), which, unlike the more conservative Kazakh approach, expands the opportunities for privatisation of non-agricultural land for citizens and enterprises, while Kyrgyzstan has focused on decentralising land management by empowering local authorities, which has optimised land rights registration procedures and reduced administrative burdens.

A comparative legal analysis of these reforms with Kazakh practice showed the need to introduce a more balanced approach to the modernisation of land relations, which should be based on a combination of market mechanisms and protection of national interests, while the practices of neighbouring states demonstrate the possibility of successful reform of land legislation through the introduction of transparent privatisation mechanisms (following the example of Uzbekistan), decentralisation of land management (as in Kyrgyzstan), and balanced liberalisation of land use.

The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests for National Food Security by Food and Agriculture Organisation (2022), adopted by the United Nations Committee on World Food Security in 2012, provide an essential benchmark for improving this system. They offer a comprehensive approach to regulating the ownership and use of natural resources, focusing on transparency of decisions and procedures, protection of the rights of local communities, and adherence to the principles of sustainable development. For Kazakhstan, which has a variety of climatic conditions, this means strengthening open access to cadastral information, establishing clear mechanisms for resolving land disputes, ensuring conventional access to pastures for nomadic and semi-nomadic communities, and implementing preventive environmental measures to avoid land degradation (Kovach *et al.*, 2024). Among the international initiatives with which Kazakhstan's system is compared, the United Nations Sustainable Development Goals deserve special attention, particularly Goal 2 (End hunger, achieve food security, improve nutrition, and promote sustainable agriculture) and Goal 15 (Protect and restore terrestrial ecosystems and promote their sustainable use). In this context, it is emphasised that the institutional capacity of state authorities should be strengthened, modern land monitoring technologies (remote sensing, geographic information systems) should be widely used, environmental audit mechanisms and a licensing system for water resources

protection should be introduced, and transparent conditions for attracting private investment should be created.

Analogous recommendations were also made in reports and support programmes from the World Bank (1994), the United Nations Development Programme (United Nations, 2021), the European Bank for Reconstruction and Development (2022), the Organisation for Security and Co-operation in Europe (2016), and the Organisation for Economic Co-operation and Development (2014). They emphasise the significance of reforms aimed at decentralising land management, involving local communities in decision-making, transparent registration of property rights and use rights, and systematic environmental protection at the regional level. There is a particular need to improve the mechanisms for protecting the rights of landowners and land users, specifically by simplifying the procedure for judicial or administrative review of disputes and introducing effective mechanisms to counteract raiding. In the arid regions of Kazakhstan, where the threat of desertification is real, the introduction of environmentally friendly technologies, such as minimal or 'zero' tillage and the rational use of irrigation systems, is particularly significant to prevent the loss of biodiversity and degradation of pastures. Thus, an analysis of the compliance of Kazakhstan's legislation and practices with international requirements and standards shows the need for a comprehensive approach that covers economic, legal, and environmental aspects. Considering Kazakhstan's role as one of the largest suppliers of grains and oilseeds in Central Asia and its significant raw material potential, the compliance of the national land regulation system with international standards is crucial for attracting responsible investment, ensuring food security and preserving the environment. This contributes to social stability and the development of the foundations for the country's long-term sustainable development.

The current legal regime is the result of a long evolution, starting from the first years of Kazakhstan's independence, when the country made a transition from purely state-owned Soviet-style property to a multi-faceted system with various forms of land use. At the same time, this regime still requires further improvement, primarily in terms of ensuring transparency in land allocation, ensuring equal opportunities for small farmers and large agricultural holdings, and unifying regional rules and procedures to prevent administrative abuse. This is confirmed by the violations detected, namely, that the Commission for Land Acquisition has identified over two thousand illegal decisions of local executive bodies to allocate farmland without holding tenders. At the same time, the country's leadership emphasises the need for a differentiated approach: if land is taken in violation of the law and is not used, it should be returned to the state under a simplified procedure, but if the land user works in good faith and has invested, the existing production should not be destroyed. The work on the development of villages and the provision of permanent employment for rural residents is also considered (Address of the Head of state..., 2024).

The current system of regulation of land relations in the Republic of Kazakhstan can be characterised as an attempt by the state to combine the constitutional principle of the national value of land with market mechanisms for its disposal, which are developed based on the competitiveness and investment attractiveness. Although the mechanisms of private ownership and lease generally have sufficient

formal guarantees, their effectiveness largely depends on the performance of local authorities (akimats), the level of digitalisation of the cadastre, and the availability of judicial protection. The state's right to seize land for public needs also forms an integral part of the system, but it should be exercised within the framework of clearly defined legal procedures with adequate compensation to owners.

Socio-economic consequences of legal regulation of land resources for various categories of the population of Kazakhstan. Land regulations governing ownership and lease of land plots, the procedure for their intended use, and procedures for state expropriation have created opportunities, which are both accessible and controversial, in multiple sectors of the economy. Specifically, there are three key groups that are most markedly affected by the current land legislation: small farmers, local communities (with social needs for land), and large agricultural holdings and industrial companies. Each of these groups benefits from legal guarantees and regulatory incentives, but also faces certain obstacles related to imperfect enforcement, corruption risks, or lack of infrastructure.

The Land Code of the Republic of Kazakhstan (2003) establishes procedures for accessing land resources through tenders and auctions, which formally should ensure equal opportunities for all market participants. However, V. Kvaratiuk and M. Petrick (2021) refuted the effectiveness of these mechanisms in practice. Their analysis documents the existence of substantial barriers for small farmers, including excessive bureaucracy and limited access to finance. H. Alff *et al.* (2023) further confirmed these findings, noting that the problem is particularly acute in the border regions of Kazakhstan. The researchers found that local farmers in these regions face a double burden: apart from general obstacles to accessing land, they are also limited in their ability to use cross-border infrastructure and access international markets, which contradicts the principles of equal access declared in the Land Code.

According to the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan (2024b), as of 2023, 1.1 million people were employed in Kazakhstan's agriculture, of whom more than half were self-employed. Remarkably, their salaries are almost twice as low as the national average, indicating a strong level of informal employment and low social protection for rural workers (Batalova, 2024). According to the official data of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan (2024a) published in the report on the state of land relations for 2023, only 6% (or 487 out of 8,116 allocated land plots) were used by small farms during the year, while the bulk was distributed among medium and large enterprises. As a result, small farmers suffer from a lack of available land resources, which substantially limits their ability to up-scale their production and reduces their contribution to the country's food security.

Local communities face issues of obtaining land for housing construction, social facilities (schools, hospitals, cultural institutions), and municipal infrastructure. Constitution of the Republic of Kazakhstan (1995) obliges the state to make provision for the common good, but the concrete mechanisms for land allocation at the local level sometimes are still opaque or overly complicated, causing delays and social tensions. As a result, not all categories of citizens can

quickly register a plot for individual construction or obtain land for projects aimed at meeting community needs.

The economic context of these problems is also reflected in the sector's development indicators: in 2023, gross output of agriculture, forestry, and fisheries totalled 7,625,150.9 million tenge, while the index of physical volume of gross output decreased by 8.3% compared to the previous year (Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, 2024b). However, in January-September 2024, there was a positive trend with a 10.8% increase in gross output compared to the same period of the previous year (Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, 2024a). A comparative analysis with neighbouring countries revealed a direct link between the efficiency of land allocation and agricultural productivity. For instance, in Kazakhstan, despite major public investment, the agricultural sector demonstrates low efficiency due to suboptimal land allocation and limited access to finance for farmers (Halyk Research, 2024a). M. Junussova (2020) confirmed this observation, noting that the reason lies in the lack of coordination between different levels of government, which is conditioned by the uneven implementation of administrative, financial, and political decentralisation reforms. Furthermore, the researcher noted that limited access to centralised databases and weak interaction between local authorities and citizens, which complicates the effective resolution of urban development issues. The lack of clearly regulated procedures and effective channels of public control can facilitate abuses, when people with close ties to the authorities or investors offering favourable conditions get preferential access to land. Therewith, some applicants – citizens in need of land plots for housing construction – are forced to wait for years, as there is little free land left in the suburbs of large cities, while remote areas are often unsuitable for effective development due to the lack of utilities (Analytical report on..., 2016).

As for large agricultural holdings and industrial companies, the economic effects of these entities are quite significant. Thanks to their substantial financial resources and the ability to attract investment in the global market, they acquire large tracts of leased land and implement large-scale innovative projects. The largest agricultural holdings in Kazakhstan demonstrate a considerable concentration of land bank. For example, according to the ElDala.kz rating, in 2023, Olzha Agro cultivated 960 thousand hectares of land, Atameken Agro – 441 thousand hectares, and TNK Agro-firm – 430 thousand hectares. This concentration of land resources in the hands of the largest agricultural enterprises helps to increase the production of grain crops and meat products, ensuring the stability of supplies in the internal and external markets (The SKO is..., 2022). Therewith, major sectoral imbalances are observed: labour productivity in Kazakhstan's mining industry in 2023 was twice as high as in the manufacturing industry and twenty times greater than in agriculture (Halyk Research, 2024b). This gap points to the need to balance the development of different sectors of the economy and support the diversification of agricultural production. R. Burgess *et al.* (2023) partially explained these disparities, confirming the positive role of large companies in the technological development of the industry due to their ability to finance innovations and infrastructure projects. However, the researchers also identified substantial risks of

this concentration of resources, including the possibility of land monopolisation by certain groups, which could threaten the economic diversity and social stability of the regions.

To better understand the diversity of the effects of regulatory mechanisms in the land sector on different groups of the population, Table 2 summarises the key aspects of this impact.

Table 2. Effects of regulatory instruments on key socio-economic groups in Kazakhstan

Regulatory instrument	Smallholder farms	Local communities	Large agricultural holdings and industrial companies
Land tenders and auctions	Often lack access due to the lack of information on the terms and dates of auctions	Rarely involved due to the lack of need for large areas	An advantage due to the availability of specialised teams for participation and legal support
Local development support programmes	Not available due to lack of integration with local initiatives	Can obtain resources for social projects, but the mechanisms are complicated	Used to create the infrastructure that supports the production base
Mechanisms for changing the designated purpose of land	Not available to small farmers due to the excessive cost of the procedure	Used by local authorities to build schools and hospitals	Actively used to consolidate land for large agricultural or industrial projects
Long-term lease of state land	Usually limited to small areas (up to 5-10 hectares)	Only available for particular facilities (schools, hospitals)	Easy access to large areas due to financial resources and long-term contracts
Water use and irrigation	Insufficient modernisation of systems; high dependence on seasonality	Used for public water supply, but the infrastructure is often outdated	Create their own water supply systems, minimising dependence on public resources
Environmental standards	Lack of knowledge about the requirements of environmental legislation	Mostly focused on basic environmental requirements	Must meet strict standards to maintain access to international markets
Land dispute resolution procedures	Insufficient access to qualified legal aid; delays in processes	Public councils are often ineffective due to the lack of mechanisms of influence	Use professional lawyers to expedite the resolution of disputes in their favour
Integration of digital cadastres	Limited access to information due to lack of technology in rural areas	Helps communities, but the information is often incomplete or outdated	Used as part of integrated monitoring and management of large areas

Source: compiled by the authors based on the findings of G. Kurmanova (2024a; 2024b)

Table 2 demonstrates that the regulatory environment in the field of land relations in Kazakhstan is characterised by substantial differences in the ability of various categories of land users to access and use the available instruments. The systematic review demonstrates the existence of structural imbalances that manifest themselves in all key aspects of land relations – from mechanisms for obtaining land plots to the possibilities of resolving legal disputes. The differences in the technological and administrative capabilities of various categories of land users are particularly noticeable, creating preconditions for uneven development of the agricultural sector. Regulatory mechanisms, which should theoretically ensure equal opportunities, in practice often work in favour of large market players who have more resources to overcome administrative barriers and build the necessary infrastructure (Ministry of Agriculture of the Republic of Kazakhstan, 2023). At the same time, small farmers and local communities face numerous obstacles, ranging from limited access to information to challenges in obtaining necessary permits and approvals (Putri and Ehsanov, 2024). These systemic challenges call for a comprehensive review of existing approaches to land regulation to create a more balanced system that accommodates the interests and capabilities of all market participants.

Considering the interaction of these groups, the legal regulation of land relations can both stimulate and hinder the economic development of Kazakhstan's regions. On the one hand, the existence of a lease system, defined privatisation rules, and relatively liberal legislation on attracting foreign investors increases the investment attractiveness of the state and facilitates capital inflows. U. Alban Singirankabo

and M. Willen Ertsen (2020) confirmed this, finding a positive relationship between transparent cadastral procedures, formalisation of land rights, and economic growth, especially in rural areas. On the other hand, imperfect legal regulation can lead to an imbalance in the distribution of land resources between entities of distinct legal forms of business. This provides investors and landowners with long-term security of tenure or lease, which encourages long-term investment in agricultural development, increases productivity, and contributes to economic stability. At the same time, if the regulatory framework does not ensure equal access to land resources for small agribusinesses and large agro-industrial enterprises, there are risks of economic stratification and increased social inequality. The lack of unified mechanisms for resolving land disputes, corruption schemes and inefficient use of resources may lead to conflicts between residents and large companies, specifically over rent, lease terms, and compensation for land acquisition.

Social risks are particularly significant in areas with competition for the best land plots. This may include, for instance, farmers competing with industrial enterprises for water resources and pastures, or conflicts over the change of land use (from agricultural to industrial or commercial). Moreover, inequality in access to land can increase the outflow of people from villages, reducing the chances for self-employment and the development of small businesses in rural areas (Syrov, 2024). In this case, limited opportunities for farming or social projects become a catalyst for migration to urban areas, which increases the burden on urban infrastructure.

Proper legal regulation of land relations is crucial for ensuring the balanced development of the country, as it

combines legal, economic, and social factors. Firstly, from a legal standpoint, it is necessary to ensure clear criteria for land allocation, transparent tender procedures, and effective mechanisms for appealing decisions made by local authorities. Secondly, economic factors require incentives to attract investment, develop the agricultural and industrial sectors, and support small businesses. The social aspects of land use are directly correlated with ensuring the rights of socially vulnerable categories of the population, preventive measures to prevent conflicts, maintaining employment, and structural diversification of the agricultural sector. Regulatory frameworks focused exclusively on supporting large agro-industrial entities without considering the interests of local communities and small businesses in agriculture create risks of degradation of the socio-economic potential of rural areas in the long term. Therefore, the state policy should be aimed at implementing a balanced system of market and regulatory mechanisms that will ensure best distribution of land resources to meet the public interest and guarantee the environmental and food security of the state.

Thus, the socio-economic consequences of legal regulation of land resources in Kazakhstan best illustrate the complexity and multidimensional impact of land laws on various sectors of the economy and population groups. Positive aspects, such as the growth of large-scale agricultural production and the expansion of the industrial base, can be accompanied by detrimental effects on small farms, communities, or the environment unless state control and public oversight are strengthened. Balanced development in the land sector is only possible if legislative requirements are constantly improved, considering the real practice of their application, gaps in regulation are promptly identified and closed, while active cooperation between state institutions, business, and public associations is ensured. It is an integrated approach based on social justice, investment attractiveness, and environmental safety that can ensure sustainable use of land resources in the future.

Analysis of the problems of law enforcement and conflicts in land relations in Kazakhstan and ways to ensure the balance of interests. One of the most acute contradictions arises between the state, which seeks to implement national priorities, and local communities, which defend their direct interest in access to land. At the same time, the intensification of investment activity, particularly involving foreign capital, is becoming a crucial factor in the transformation of land relations. Investors consider land resources as a strategic economic asset and require the development of relevant regulatory frameworks and a favourable investment climate for conducting business. As a result of this interaction, triangular conflicts are formed, manifested in problems of public access to land, non-transparent allocation of land plots for social needs, and local fears of monopolisation of land by foreign companies.

One of the most common sources of conflict is the complexity or lack of transparency of land acquisition procedures. The Land Code of the Republic of Kazakhstan (2003) stipulates that the competitive allocation of land plots is conducted through open bidding for the granting of the right to temporary paid land use (lease) for farming or agricultural production. Tender announcements are published in official sources, while participants submit applications that include a business plan with projected investments, land use plan, availability of equipment and estimated number of jobs.

Applications are evaluated by a land commission, which gives preference to local residents who have lived in the region for more than five years, as well as agricultural cooperatives, which can receive additional points. The results of the tender are recorded in the minutes, which serve as the basis for concluding a lease agreement, after which the local executive body decides on the granting of land use rights. However, according to the results of public monitoring, the practical implementation of these procedures is accompanied by substantial obstacles for citizens: excessive length of bureaucratic processes, ambiguous interpretation of legislative provisions by local authorities and insufficient awareness of applicants regarding the full list of required documents and the procedure for their submission. D. Rodima-Taylor (2021) addressed the same issue, confirming that even with formalised tender procedures, it is the imperfection of administrative mechanisms that creates serious obstacles for potential land users. Specifically, the researcher emphasised that the lack of digital management tools and transparent public registers has a particularly negative effect on access to land resources for residents of remote regions who have limited opportunities to take part in tenders promptly and appeal against decisions of local authorities. The problems of transparency in the field of land relations are still relevant for Kazakhstan. For example, an external analysis of corruption risks related to the distribution and availability of land plots for business was conducted in the North Kazakhstan region. The identified risks indicate potential abuses in the allocation of land, which can create unfair conditions for ordinary citizens and small businesses, giving way to influential structures (The SKO is..., 2022). The absence of transparent mechanisms for the allocation of land for social needs is manifested, specifically, in the construction of residential complexes, schools, or other socially significant facilities. According to the legislator, the state should prioritise such projects based on the Constitution of the Republic of Kazakhstan (1995) and the objectives of socio-economic development of the regions, but in reality, the opposite is sometimes the case.

In a series of cases considered by courts of various instances, facts have been established when plots where it was planned to build a hospital or kindergarten were eventually re-profiled for commercial development with reference to a “change of purpose”. Specifically, in a case brought by M LLP against the city Akim, a violation of the mandatory rules on the provision of a land plot on a competitive basis was established, with the local courts unlawfully applying the principle of protection of the right to trust, as such an administrative act affected state and public interests. In another case brought by M., the courts ruled that it was unlawful to adjust the detailed planning project without considering the public opinion and proper substantiation. Therewith, the land plot had not been used for its intended purpose for a long time, while frequent changes in planning were the outcome of inaction by regulatory authorities (Judicial Collegium on Administrative Cases of the Supreme Court of the Republic of Kazakhstan, 2023). On 1 July 2023, amendments to the Land Code of the Republic of Kazakhstan (2003) came into force, establishing clearer requirements for changing the designated purpose of land plots and strengthening control over the observance of the public interest in making such decisions. This observation is confirmed by a comprehensive study by M. Romashchenko *et al.* (2022), who

conducted a comparative analysis of land management practices in post-Soviet countries. The researchers found a direct correlation between the systemic problems recorded in the decisions of the Supreme Court of Kazakhstan and the general tendency to unlawfully change the designated purpose of land. Researchers have documented that the lack of transparent regulatory and control mechanisms creates favourable conditions for violations, especially in relation to land originally allocated for social infrastructure. This problem can be solved through the creation of a clear legislative framework that will make provision for mandatory public involvement in decision-making and monitoring of land use. In cases such as Kazakhstan, it is particularly important to integrate national legislation with international standards to ensure that land is used properly in the public interest.

The issue of land lease by foreign investors is a particular source of conflict, as it raises the sensitive issue of preserving national interests and food security (Koshkinbaeva *et al.*, 2019). The Land Code of the Republic of Kazakhstan (2003) prescribes the possibility of leasing land plots to foreign entities but sets certain restrictions on the terms and scope of use. According to the Code, foreign legal entities and companies with foreign participation may lease land plots only for non-agricultural purposes, such as industrial construction, transport infrastructure, and strategic projects. Therewith, leasing of agricultural land by foreigners is prohibited. Lease agreements are concluded for a fixed term, which depends on the terms of a particular project and is agreed according to the applicable legislation. There is a separate ban on the provision of land in border areas for national security reasons. R. Pomfret (2021) confirmed the validity of the legal restrictions on foreign land use established in the Land Code of the Republic of Kazakhstan. The researcher argued that in Central Asian countries, imperfect institutional mechanisms and corruption risks create preconditions for the potential concentration of land resources in the ownership of large foreign investors, which may pose a threat to national interests. In the context of land legal relations in the Republic of Kazakhstan, the issue of long-term lease of land plots by foreign business entities is becoming increasingly relevant. The primary subject of discussion is the potential risks associated with granting the right to use significant land tracts for up to several decades, which may effectually lead to concentration of control over strategic land resources in the hands of foreign investors. This causes social tensions, especially in rural areas. The validity of such warnings is confirmed by the insufficient effectiveness of the state control and monitoring system: there are cases of violation of environmental standards of land use and misuse of land plots without obtaining relevant permits.

Based on the conducted study, a set of recommendations was developed for improving the legal regulation of land relations in the Republic of Kazakhstan. The key element is the creation of open registers and public cadastres, where information on land plots would be available not only to the authorities but also to the general public (Pryz, 2024). This initiative is in line with the recommendations set out in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security by Food and Agriculture Organisation (2022). This document emphasises the significance of transparency and openness of cadastral data to ensure effective and responsible management of natural resources. Adherence to

these principles contributes to increased transparency, reduced corruption and equitable access to land resources, which are key factors for sustainable development and national food security. The availability of a unified electronic platform will enable control over who and on what grounds the land has been transferred to and will also enable the detection of potential violations in real time.

The introduction of electronic services for obtaining and registering land is intended to reduce the impact of the human factor and corruption risks. Q. Abbas *et al.* (2024) confirmed the effectiveness of this approach, noting that the digital transformation of governance, particularly through the introduction of cloud technologies, can considerably increase the transparency, accessibility, and efficiency of administrative services. Using the example of Pakistan, the researchers showed that the use of modern technologies, such as big data and cloud services, can optimise e-government processes, making them more accessible to citizens. This also helps to reduce the number of complaints and increase the level of public satisfaction with administrative services. Although such services are only at the stage of partial implementation in Kazakhstan, their further development could offer citizens more equal opportunities in accessing land. Considering the practices of other countries, such as Pakistan, the integration of modern technologies into the land management system could be a major step towards increasing the efficiency and transparency of public administration.

Legislative strengthening of the role of local communities would enable more active monitoring of land allocation and use. A. El-Wakil (2020) argued that systematic community involvement in decision-making, including local referendums on the most high-profile projects, reduces social protests and strengthens the legitimacy of the authorities. In the context of Kazakh law, this approach is consistent with the provisions of the Constitution of the Republic of Kazakhstan (1995) on democracy and can be specified in the Land Code of the Republic of Kazakhstan (2003) through the lens of mandatory public hearings. Such a practice would help communities receive prompt information about future investors, draft alternative proposals, and monitor the environmental component of projects at the stage of preliminary discussions.

It is also necessary to develop clear criteria for foreign investors' access to land resources. These could include limits on the maximum lease area, requirements for social impact (e.g., job creation, infrastructure development, compliance with soil fertility conservation technologies), and a transparent system for reviewing investment agreements. The Land Code of the Republic of Kazakhstan (2003) contains articles that enable the state to terminate lease agreements in case of unfair use of land plots. Specifically, Article 92 regulates the compulsory acquisition of land plots in case of their improper use, while Article 94 prescribes the possibility of terminating a lease agreement due to a systematic breach of obligations by the land user. At the same time, court practice shows that these provisions are not yet sufficiently detailed, and land expropriation procedures can be delayed due to the complexity of the evidence base and the length of the administrative process.

From a legal standpoint, the proposed measures are consistent with constitutional provisions that mandate state ownership of land and the right of the state to determine its distribution in the public interest. In the context of the

Land Code of the Republic of Kazakhstan (2003), they can be implemented both in the form of targeted amendments to certain articles and the adoption of sub-legislative acts detailing control and monitoring procedures. Furthermore, the principles of Responsible Governance of Tenure developed by the Food and Agriculture Organisation (2022) emphasise that the state should establish clear criteria for transparency, ensure open access to land for multiple groups of people and prevent the accumulation of excessive land holdings in the same hands without public control.

In summary, the issue of conflicts of interest between the state, local communities, and investors is not limited to the legal aspect – it also includes social, economic, and environmental dimensions. If the state does not implement a systematic approach with transparent cadastres, public involvement, and clear rules for access to land, this could lead to long-term polarisation of the population and instability in critical sectors of the economy. On the other hand, successful examples of reforms in some countries show that proper legal design can harmonise the interests of large businesses and small farmers, ensure fair distribution of resources for social projects, and attract responsible investors willing to play by the rules. Kazakhstan, with its considerable potential as an agrarian and industrial country, can take advantage of the recommendations of international organisations and its own practices by legislatively prescribing mechanisms that minimise conflicts in the land sector and promote sustainable development. This is the only way to ensure a real social balance, guarantee food security, and strengthen the country's investment attractiveness in the long term.

Conclusions

The study of the legal regulation of land relations in the Republic of Kazakhstan revealed a comprehensive system of regulations, which combines constitutional guarantees of state ownership of land with mechanisms for transferring land plots for private use and lease. At the same time, it was found that the practical implementation of legal provisions is accompanied by considerable challenges, particularly in ensuring equal access to land resources for various categories of the population and protection of their rights.

The fundamental problem was found in a substantial disproportion in the capabilities of various subjects of land relations. Large agricultural holdings and industrial companies, with extensive financial resources and professional legal support, have preferential access to land resources and

are more effective in protecting their interests. Meanwhile, small farmers and local communities face numerous bureaucratic obstacles, lack of transparency in land allocation procedures, and limited access to legal aid. The problem of access to agricultural land is particularly acute, with only 6% of allocated plots going to small farms, which substantially limits the potential for small agribusiness development and poses risks to the country's food security. An analysis of the legal regulation of long-term land leases by foreign investors has revealed potential risks of excessive concentration of land resources, which may adversely affect the structure of land use and the state of food security.

A comparative analysis of the practices of neighbouring countries (Uzbekistan, Kyrgyzstan, and Georgia) revealed promising areas for reforming land legislation, specifically, transparent privatisation of non-agricultural land, decentralisation of land management, and balanced liberalisation of foreign investors' access to the land market. Therewith, the analysis of the legal regulation of long-term land lease by foreign investors revealed potential risks of excessive concentration of land resources, which could adversely affect the structure of land use and the state of food security.

The study revealed systemic shortcomings in the mechanisms for controlling land use and resolving land disputes. Specifically, the absence of a unified electronic land cadastre platform and limited access to information on available land plots create preconditions for corruption risks and non-transparent resource allocation. Insufficient integration of environmental requirements into land use practices is still a fundamental problem, leading to soil degradation and deterioration of agricultural land quality. Therewith, the mechanisms of liability for violations of environmental standards are often ineffective due to the challenges of proving violations and the time-consuming nature of court procedures.

Further research should focus on the mechanisms of digital transformation of land administration, the development of tools to protect the rights of vulnerable categories of land users, and the analysis of the effectiveness of various models of public control over the use of land resources in the context of growing competition for access to land.

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Conflict of interest

None.

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Соціально-правові проблеми правового регулювання земельних відносин в Республіці Казахстан

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Анотація. Метою цього дослідження було виявлення системних проблем правового регулювання земельних відносин у Республіці Казахстан. У дослідженні використано поєднання інституційного та системного підходів для комплексного розгляду земельних відносин як єдиної регуляторної системи, що поєднує правові норми, соціально-економічні механізми та адміністративну практику. Дослідження виявило суттєві диспропорції у доступі різних категорій землекористувачів до земельних ресурсів, де лише 6% виділених ділянок перебувають у власності малих фермерських господарств, тоді як великі агрохолдинги, маючи значні фінансові ресурси та професійний юридичний супровід, мають преференційний доступ до земельних ресурсів. Виявлено системні недоліки в механізмах контролю за використанням земель, зокрема відсутність єдиної електронної платформи земельного кадастру та обмежений доступ до інформації про вільні земельні ділянки, що створює передумови для корупційних ризиків та непрозорого розподілу ресурсів. Вказано на проблеми з недостатньою інтеграцією екологічних вимог у практику землекористування, що призводить до деградації ґрунтів, а також неефективними механізмами відповідальності за порушення екологічних стандартів через складність доведення порушень та тривалість судових процедур. Особливою проблемою є обмежена роль місцевих громад у процесах управління земельними ресурсами та непрозорість процедур виділення земельних ділянок для суспільних потреб, що створює передумови для соціальної напруги. На основі порівняльного аналізу практики інших держав (Узбекистану, Киргизстану, Грузії) та рекомендацій міжнародних організацій у дослідженні розроблено комплексні пропозиції щодо вдосконалення правового регулювання, які включають створення відкритих реєстрів та публічних кадастрів для забезпечення широкого доступу громадськості до інформації про земельні ділянки; запровадження електронних сервісів для спрощення процедур отримання та реєстрації земельних ділянок; посилення ролі місцевих громад через механізми громадського контролю; встановлення чітких критеріїв для доступу іноземних інвесторів до земельних ресурсів. Запропоновані заходи спрямовані на забезпечення більшої соціальної справедливості та економічної ефективності у сфері земельних відносин в Казахстані, а отримані висновки можуть слугувати основою для подальшого вдосконалення правового регулювання у цій сфері та розробки механізмів цифрової трансформації управління земельними ресурсами

Ключові слова: агрохолдинги; громада; державне управління; екологічна безпека; інвестиційна привабливість