ACTA SCIENTIARUM POLONORUM
Acta Sci. Pol., Administratio Locorum 24(1) 2025, 115–127.
https://czasopisma.uwm.edu.pl/index.php/aspal plISSN 1644-0749 eISSN 2450-0771 DOI: 10.31648/aspal.9812

ORIGINAL PAPER
Received: 04.01.2024 Accepted: 26.07.2024

CURRENT ISSUES OF AGRICULTURAL LAND TRANSFER IN THE REPUBLIC OF KAZAKHSTAN

Olessya Mukhamediyarova[1]✉, Svetlana Moroz[2]✉, Saida Akimbekova[3]✉

[1] ORCID: 0000-0002-7955-8191
[2] ORCID: 0000-0002-6143-0210
[3] ORCID: 0000-0002-8209-2361
[1,2,3] Caspian University, Higher School of Law "Adilet"
050000, Dostyk Ave. 85A, Almaty, **Republic of Kazakhstan**

ABSTRACT

Motives: The relevance of the topic is due to the need to optimize the use of land resources and agricultural development in the country. Rapid changes in climatic conditions, demographic and economic factors require effective management of the land conversion process in order to increase the productivity and sustainability of agricultural systems.
Aim: The aim of this study was to analyse and assess the current state of the process of agricultural land transfer in the Republic of Kazakhstan, as well as to identify key problems and propose recommendations for their solution.
Results: The study revealed the following main results: a description of the current state of the process of agricultural land transfer in the Republic of Kazakhstan, identification of the main problems associated with this process, and the proposal of specific recommendations for solving these problems. The study demonstrated that land transfer in Kazakhstan affects not only landowners, but also the socio-economic sphere of the country.

Keywords: land legislation, land market, land management, land plot, agricultural significance, purposeful designation of lands

INTRODUCTION

In modern conditions, the development of agriculture and the problem of transferring agricultural land are becoming more relevant in the Republic of Kazakhstan. The study of this topic is of significant scientific and practical importance, as it contributes to the optimisation of land resource use and the development of sustainable agriculture (Kerimkhulle et al., 2023; Marchenko & Novak, 2021; Ostapchuk et al., 2021). The responsive importance of this issue is based on the fact that the transfer of agricultural land affects the productivity and economic efficiency of the agricultural sector, as well as the conservation of natural resources and biodiversity. Studying this issue allows the development and implementation of effective land management strategies, including rational land use planning, the introduction of innovative agrotechnologies, and the assessment of the environmental impacts of farmland conversion (Hysi et al., 2024; Kaigorodtsev & Bordiyanu, 2014; Khamzina et al., 2020).

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

Agriculture in the Republic of Kazakhstan has undergone serious changes in the conditions of market relations. Today, there are several types of agricultural organisations in this industry, such as joint stock companies (JSCs), limited liability partnerships (LLPs), peasant farms, and agricultural production cooperatives (APCs). According to available statistics, the total number of households engaged in agriculture exceeds 185,000 units. Of this number, a significant share – 75,000 units, or 40.5% – is in South Kazakhstan Oblast. In addition, about 45,000 agricultural households are registered in Almaty Oblast, which is 24.3% of the total number. Thus, a large-scale share of agricultural enterprises belongs to republican (farm) households, the share of which is 84.8% (Nurmukhametov et al., 2023; Sautbekova & Abuov, 2014). These data are associated with the active and promising development of peasant (farm) farming in the Republic of Kazakhstan.

Nurzhanova et al. (2020) argued that the understanding of how extensively agricultural land is utilised, especially in a changing climate and international market dynamics, is massive. According to them, the country's authorities should be proactive in environmental protection and farmland protection without neglecting the economic efficiency of utilization. Meanwhile, Akimbekova et al. (2017) stated that the issues of the reproduction of agricultural land in Kazakhstan are inseparable from the context. They highlighted that the transfer of land from one type to another social organisation is contradictory and causes fear among small farmers who lose their source of income. They therefore conclude that dialogue and discussion are needed in finding solutions to the use of agricultural enterprises. Nurzhanova et al. (2020), on their part, emphasised environmental compliance in farmland conversion. They noted that the conversion of natural resource use can be associated with environmental impacts, including soil erosion, loss of biodiversity, and protection from hijacking.

Land law experts Moldakenova et al. (2017) stated that the legal aspects of the conversion of agricultural land to other forms of use can be complex and cause many problems. According to them, careful legal regulation and monitoring are required to ensure fairness and transparency in this process. This is important not only to respect the rights of agricultural producers but also to attract investment in new land uses. Another important aspect was raised by Otesheva et al. (2019). They pointed out the need to take into account regional peculiarities when addressing the issues of agricultural land conversion. The researchers emphasised that it should be taken into account that decisions made in one region will not necessarily work in another. They emphasised the importance of considering local conditions, including climate, soil composition, resource availability, and socio-economic situation. Finally, Hamidov et al. (2016) emphasised the need to develop new technologies and innovations in the use of agricultural land. They argue that the transition to new forms of land use should be accompanied by the introduction of modern technologies that will help to increase the efficiency of resource utilisation and reduce the negative impact on the environment.

The methodology of this article is based on a comprehensive approach to the study of topical issues of agricultural land conversion in the Republic of Kazakhstan, which involves multiple analytical methods to address the multifaceted issues of land transfer. A key component of the approach is a comprehensive analysis of the current state of academic and scientific literature on the subject. This stage is important because it will help to form a knowledge base for understanding the current state of the problem and identifying the main trends and context. A complementary method will be a comparative analysis of different farmland conversion strategies carried out in different regions of Kazakhstan and around the world. Using this approach, the most successful practices have been identified, their effectiveness under different conditions has been assessed, and their suitability for application in different regions of Kazakhstan has been determined. Due to anonymity, names in the provided examples of cases of illegal land use changes were not disclosed.

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

The comparative analysis also provided new perspectives on possible strategies for addressing the problem of agricultural land conversion, which is important for developing a deeper understanding of this complex issue. This method entails studying various agricultural conversion strategies used in Kazakhstan and around the world. The study compares these approaches to see which work best and assesses how effective they are in various scenarios. This comparison helps assess whether certain techniques are appropriate for various parts of Kazakhstan. The knowledge gathered from this comparative study offers fresh viewpoints on possible approaches to solving land conversion issues.

Critical analysis was another key element of the methodology, which allowed for the assessment of the potential economic, social, and environmental impacts of farmland conversion. The study considers how these processes affect agricultural producers and the broader public. The critical analysis helped identify possible risks and obstacles and identify measures to overcome them. With different stakeholder viewpoints taken into account, this comprehensive evaluation ensures that the suggested changes are well-balanced and insightful. Finally, the foresight method made it possible to identify promising areas of research and to develop assumptions about possible solutions to the problem. The long-term effects of various strategies and approaches may be adequately evaluated due to this predictive method. Through projections of future patterns and consequences, the research seeks to assist rational and well-informed decision-making procedures.

Thus, with the help of an extensive literature review, comparative and critical analysis, as well as the predictive method, this article has provided a comprehensive and in-depth analysis of the current issues of agricultural land conversion in Kazakhstan. It will provide a basis for further discussion and decision-making in this important area. The sources of statistical data used include reports from the Committee for Land Resources Management of the Ministry of Agriculture of the Republic of Kazakhstan (2022), data from the Bureau of National Statistics (2023), and data from international organisations such as the Food and Agriculture Organisation (2021). The statistics are crucial for determining the scope of the issue and examining long-term patterns. They offer a quantitative framework for assessing how many facets of the economy and society are affected by agricultural land conversion strategies. The approach of the study includes a thorough evaluation of the literature, critical and comparative analysis, foresight methodologies, and reliable statistical data analysis. This multi-method approach provides a thorough and in-depth analysis of the problems related to Kazakhstan's conversion of agricultural land, offering a strong basis for creating plans and suggestions for efficient land management.

PROBLEMS OF PRIVATE OWNERSHIP OF LAND PLOTS AND PRIORITIES OF USE IN KAZAKHSTAN

After the collapse of the USSR, the former Soviet republics, having declared their sovereignty, all but the Republic of Tajikistan proclaimed private ownership of land plots. In the Republic of Kazakhstan (RK) the right to private ownership of land plots was first authorised by Decree of the President of the Republic of Kazakhstan No. 2717 "On land" (1995). Decree No. 2717 (1995) automatically transformed into the right of private ownership the rights to land plots with certain designations already existing for citizens of the RK. In particular, the right of lifetime hereditary ownership of land plots for private subsidiary farm (PSF) purposes, for dacha construction, for gardening, and for the construction and maintenance of residential houses, as well as the right of permanent use of land plots for development purposes or built up with industrial and other objects, were transformed into the right of private ownership, provided that the landowners had previously purchased such a right of permanent use. Land plots under buildings with several flats or non-residential premises are automatically passed into the common ownership of the respective owners of flats or non-residential premises. But there was one significant point: Decree

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

No. 2717 (1995) did not authorise private ownership of agricultural land plots, except for land plots with PSF, gardening, and dacha construction purposes. Only with the introduction of the Land Code of the Republic of Kazakhstan (2003) did the state authorise the granting of private ownership of agricultural land plots for the purposes of peasant, farming, and agricultural production.

The privatisation of land plots, especially those of significant importance for the expansion of production, became a catalyst for complex socio-economic processes in Kazakhstan. These processes caused a number of unexpected and contradictory consequences, which emphasises their complexity and multifaceted nature (Table 1). On the one hand, part of the population was able to acquire the necessary land resources. However, on the other hand, some more enterprising citizens had new income streams, including speculative operations, which led to an increase in income and very significant expenditures. This factor, in turn, has led to the attraction of land into the hands of a limited number of private individuals. In addition, there has been an increase in corrupt practices in the state structures responsible for regulating and controlling land relations. It is important to note that the identification of cases was due to the not so wide coverage of private ownership of land plots and the number of transactions in the legislation that did not take into account a number of issues (Tokbergenova et al., 2018).

Table 1. Impacts of land privatization

Impact Type	Details
Positive	Provides necessary land resources to a part of the population, facilitating agricultural and residential development
Negative	Leads to speculative operations, increased land prices, and concentration of land ownership among a few individuals
Corruption	Increase in corrupt practices within state structures responsible for regulating and controlling land relations

Source: compiled by the authors.

One of such factors was the shortage of land in Kazakhstan, which is most demanded by RK citizens for the construction and operation of residential and non-residential buildings and constructions. It is important to note that both at the time of RK formation and currently, the area of land authorised for such purposes in the categories of settlements, industry, transport, communication, and other non-agricultural purposes was and remains disproportionately small compared to the area of land in the category of agricultural purposes (Committee for Land Resources Management of the Ministry of Agriculture of the Republic of Kazakhstan, 2022). Given RK's continuing population growth, the continuing demand for non-agricultural land plots on the one hand, and the prohibition on the misuse of land plots on the other, citizens who bought up large areas of agricultural land after the authorization of private land ownership were put in a desperate situation (Espolov et al., 2020; Kerimkhulle et al., 2022).

Due to improved infrastructure and market accessibility, places like South Kazakhstan and the Almaty Oblasts have witnessed significant gains in planted area and agricultural output. The sown area in South Kazakhstan, for example, increased from 4,560.2 thousand hectares in 2018 to 4,843.5 thousand hectares in 2022, indicating significant investment and agricultural activity. On the other hand, agricultural land usage has grown more slowly in less developed and more rural areas like Mangystau and Aktobe. This disparity emphasises the necessity of region-specific strategies that support balanced agricultural growth by addressing local issues and utilising regional assets. More rural incomes and economic growth in agriculturally active regions have resulted from increased sown acreage and agricultural output. For instance, improved agricultural yields and market accessibility contributed to a 12% rise in the average income of rural households in Almaty Oblast between 2018 and 2022. However, some farming communities have also experienced relocation and loss of livelihoods as a result of the reclassification of agricultural land for non-agricultural uses. In order to prevent disadvantaged populations from being disproportionately impacted by land transfers, the research highlights the necessity of policies that strike

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

a balance between social equality and economic progress (Agency for Strategic…, 2022).

In accordance with the current Land Code of the Republic of Kazakhstan (2003), inappropriate use of land plots that is not in line with the established land category allows the authorised body to demand the elimination of such violations within two months and, in accordance with RK administrative legislation, to impose a fine, albeit in an insignificant amount (Committee for Land Resources…, 2022). Within two months from the date of receipt of a prescription for such a violation, the owner of the land plot must apply to an authorised body (a local executive body) with an application to change the intended purpose, otherwise, the authorised body shall file a lawsuit in court for compulsory withdrawal of the land plot. In the application of compliance with the possibility of including RK, changes in the target designation of land plots are available within two months, however, this principle applies only to land belonging to the non-agricultural category. Such land parcels are governed by a regulation different from that which is acquired for land parcels circulating on agricultural land (Sakkaraeva & Kumashev, 2024).

Owners of the latter face a more widespread and lengthy process. This usually takes longer than the prescribed two months and involves a number of selected procedures, which will be reviewed as part of this study. It is important to note that the differences in approaches to land use and regulation, depending on the category of land, are clearly conditioned by its use and driven by the socio-economic development of the country. Agricultural land intended for growing crops is shielded from any types of land use to ensure food security and environmentally sound development. This quality in stricter regulation is changed to agricultural land purposes (Pashaeva et al., 2020; Prabhakar, 2021). Agricultural purpose land is the significant land of the state because it feeds its people and therefore is the strategic reserve of the state and the basis of its security (Marchenko & Orobchuk, 2021). Agricultural land includes agricultural land, which is key to agricultural development, in addition to areas occupied by various structures, infrastructure required for agricultural development, and other land (with sands, salt marshes, and other unsuitable land) (Land Code…, 2003). Agricultural land includes arable lands, fallow lands, and lands with perennial plantations, as well as pastures and hayfields. The most valuable types of agricultural land include all irrigated types of land, as well as arable land, fallow land, and land with perennial plantations. Accordingly, less valuable types of land include pastures and hayfields.

For the purpose of delineation, valuable agricultural land has a number of visible characteristics that distinguish it from other types of land. These factors, in turn, have a higher accuracy of such lands compared to other indicators. As a consequence, this issue has a direct reflection on the amount of expenditure that requires an increase in revenue in the use of the category and purpose of land parcels. This compensation, called losses in agricultural production, is directed by the authorised body to the development of other agricultural enterprises. It should be noted that the system not only provides fair compensation for property losses but also encourages the conservation and rational use of agricultural land. It is an important regulation aimed at the sustainable development of the agricultural sector, taking into account its key role in the national economy. However, for this improvement of the system, an orderly conduct of additional studies and examinations aimed at achieving the goal of assessing the value of agriculture can be organised (Tokhayeva et al., 2020).

Without having detailed statistics on agricultural land from the last years of the Kazakh SSR to the current time, it is still possible to make an assumption, based on a comparison of the total cultivated area data for 1990 and 2021, that arable agricultural land in Kazakhstan has decreased by more than 10 million ha over this period, in particular: in 1990 the cultivated area was 35,182,100 ha, and in 2021 – 22,925,700 ha (Bureau of National Statistics, 2023). It should be noted, however, that the minimum cultivated area in RK was in 1999, totaling 15,285,300 ha. That is, in 22 years (from 1999 to 2021), the agricultural area of arable land in RK increased by 7,640,000 ha.

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

For the period 2010–2023 the topic of agricultural land in Kazakhstan is one of the topics. Scientists note the need to improve the use of land resources not only through physical impacts on soil quality by fertilisers and legume crops, but also by increasing the level of "information provision" on the quantitative and qualitative state of land (By 2030 the area…, 2021), including through remote monitoring of land use by drones (Yerkinbayeva & Bekturganov, 2013).

In October 2021, the Minister of Ecology, Geology, and Natural Resources of RK Berekeshev at a meeting of the RK Government announced the planned increase in the area of one type of agricultural land in Kazakhstan by 2030 – irrigated land – from the current 1.6 million ha to 3 million ha (Illáš, 2019). Based on the above statistics, the plan does not seem so unrealistic: 1.4 million ha of land in 9 years. However, such a plan will be realistic only if the appropriate funding is provided for levelling the plots, equipping them with irrigation systems, and organising connections with water sources.

Agricultural lands are subject to special protection, their use for non-agricultural purposes is excluded, although it is allowed in some particularly important cases. Such cases include, in the absence of other options, the creation of nature protection areas, fulfilment of international obligations, discovery of valuable minerals (it should be noted that the RK legislation does not define valuable minerals, i.e., such assessment will be purely subjective), construction of publicly important infrastructure, namely: roads, renewable energy sources, power lines, boot pipelines, engineering communications for settlements, communication lines, and other state objects. Thus, if any of the noted grounds are absent, the executive body has no right to change the intended purpose of a land plot located on agricultural land for non-agricultural purposes. However, in practice in Kazakhstan, this is not the case.

PROBLEMS OF TRANSFORMING AGRICULTURAL LAND ON AN INDUSTRIAL SCALE IN THE TERRITORY OF THE REPUBLIC OF KAZAKHSTAN

In 2018, N Corporation, operating in the territory of the Almaty region, applied to the executive authorities with a change of request to change the intended use of the land plot. Industrial activities, in particular, to detect and close industrial enterprises. The request was carried out with high precision. Two months after receiving the request, the corporation received a state act confirming the right of private ownership of the land plot in question, with a new intended use – "for construction and granting the right of ownership".

In 2020, the owner of the land plot decided to supplement the intended purpose of his land plot with the extraction of a sand and gravel mixture, in connection with which he again applied to the same executive body. However, after receiving the landowner's application, the land commission of the executive body refused to change the intended purpose of the land plot on the basis of the legislative prohibition to use valuable agricultural land for non-agricultural purposes and on the basis of data from the district agricultural body (which participated in the land commission on changing the intended purpose of the land plot) on the location of the land plot on irrigated arable land, on lands in the agricultural category. According to the state act on the land plot and information from the State Land Cadastre, by the time of the second application, the land plot in question was no longer classified as agricultural land but was located on industrial, transport, communication, and other non-agricultural land. Moreover, during the initial change of the land plot's intended purpose in 2018, the landowner paid a considerable amount of agricultural losses to the state budget due to the withdrawal of agricultural land and its use for non-agricultural purposes. The representative of the district agricultural authority explained that according to the agricultural map, the land on which the land plot is located remains

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

in the agricultural category and belongs to valuable agricultural land – irrigated arable land (Kvartiuk & Petrick, 2021).

According to the information provided on the land management site developed in RK, the agricultural map captures a lot of information related to the location of agricultural land in the country and many others. This map serves as an important source of information applied not only in the management of land reclamation works but also in the research and implementation of soil protection measures. It is also useful for maintaining the state land cadastre. In the field of agricultural sector analysis, the RK can be considered a fundamental resource supporting sustainable development in the RK agricultural sector. It takes a systematised approach to land management, which in turn contrasts sharply with the use and planning of agricultural production. In addition, the agricultural map plays a major role in the scale of development and the availability of land resources. It helps facilitate the participation of various parties, including landowners, observers, legislators, and other stakeholders, in land management processes, unexpected decisions, and planning for the future development of the agricultural sector (Kvartiuk & Petrick, 2021).

In the course of research, it was found that the former head of the body independently made a decision on the use of the target purpose of the land plot without obtaining proper approval from regional and central authorised bodies, which is a violation of the established procedure. Such a minor action on the part of the head of the executive body undermines the regularities of the land management process and the mechanisms of land resource management, including the procedures of land selection and recovery. This significance calls for control and oversight of the actions of the responsible bodies in the area of land relations. It also involves identifying the alleged violation. In general, such cases identify land determination problems and emphasise the identified violations of the definition of rules and procedures that lead to fair and equitable land administration, which in turn leads to sustainable development and the prosperity of society. The question arises, what circumstances could lead to this situation? One possible factor is a deficit in the state food enterprise, although it is still unclear whether this is a manifestation of serious incompetence at the top executive level or one of the manifestations of corrupt behaviour. Further factors may be the links between the State Land Cadastre, which is held by the Ministry of Innovation and Aerospace Industry Development of the Republic of Kazakhstan, and the agronomic map of the Ministry of Economic Development of the Republic of Kazakhstan (MED RK). Only MED RK is a mandatory and exclusive feature of the agronomic collection of lands, and only MED RK can give consent to change the status of irrigated lands to non-irrigated.

It is important to note that the above-mentioned case in Kazakhstan is not the only one. Many owners of land plots in Kazakhstan who bought land plots with a changed purpose (former agricultural land plots) do not realise that they are owners of plots with an illegal purpose, and controlling bodies do not detect such violations, as the owners' documents are usually in order: with the correct purpose and category of land. In order to detect a violation, it is necessary to make a request to the local or regional agricultural authority or to the central authorised body to check the data of the land plot documents of the owner. The question is raised as to why landowners, with existing justifications for using land for agricultural purposes, turn to so-called "accelerated" assessment to change their land plot to non-agricultural use. The motivation for landowners wishing to reclassify their land parcels is usually to increase their economic viability or their commercial attraction. This may be due to an increase in land value, potential rents, changing market conditions, or increased consumption for commercial land use. Nevertheless, reclassification of land plots, especially without identifying all constituent procedures and patterns, can manifest serious negative consequences such as loss of biodiversity, deterioration of soil conditions, reduced productivity of structure development, and increased structure (Yerkinbayeva & Bekturganov, 2013).

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

If the planned use of agricultural land plots does not fall under the exceptional cases envisaged by Article 90 of the Land Code of the Republic of Kazakhstan (2003), the list of solutions offered by the state is short: changing the intended use of land plots through a long way of proving the low level of agricultural land, or approving a new master plan (or a replacement scheme of development and construction of settlements) that envisages the expansion of non-agricultural land at the expense of agricultural land. The latter option is beyond the power of the average RK citizen, while the former can be initiated by the landowner but will take a lot of effort and time, which is the prerequisite for a "quick" solution to the problem.

According to Article 98 of the Land Code of the Republic of Kazakhstan (2003), both landowners themselves and state bodies (local executive bodies) can be initiators of land transfers. The law provides for a number of grounds for the transfer of agricultural land. Each type of land has its own requirements. For example, in order to transfer arable land, it is necessary to prove the high toxic contamination of the soil and the inconsistency of its agro-characteristics with the actual use. For lands with perennial plantations, it is important to prove the limiting age of such plantations, the poor composition of plantation species, and the and the poor soil characteristics (Land Code…, 2003). That is, it is important to prepare a justification for the transfer. The law requires such justification in the form of the following documents:

1. Qualitative characterization of land plots, justifying the non-compliance of the current state of agricultural land with the established one.
2. An act and the drawing of a field survey of the agricultural land to be transferred.
3. Explanatory note with the conclusion and proposals regarding the agricultural land.
4. Explication (list) of land plots to be transferred.
5. Information on the technical condition of the system providing irrigation of agricultural land, as well as the "value of fixed assets".

APPROVAL BODIES AND PROBLEMS OF DISCUSSING AGRICULTURAL LAND IN KAZAKHSTAN

The approval of land registration depends on its agricultural value. For less important lands, the process involves verification by the district representative authorities. It is the district executive body that makes the final judgement on the issue. When considering more valuable types of land, like irrigated arable land or the process of rainfed arable land, other, less valuable types of land become more revealing. In this case, the district authorised body will prepare its opinion and submit it to the regional authorised body. The action includes the approvals of the regional industrial and water management authorities, as well as the environmental protection authority. Then, with this review of materials and agreement, the regional authorised body sends them to the central authorised body for approval. After receiving such approval, the regional executive body makes the final decision. It is important to keep in mind that this process involves structure and requires close involvement and frequent interaction between the different levels of government and responsible authorities. This means that the efficiency and effectiveness of the processes have a significant impact on the correctness and fairness of the decisions made. Consequently, any instances in the harmonisation process can lead to land misuse, reduction, and violation of legislation (Mirzabaev et al., 2023).

It is the harmonisation of land transfer materials by the above-mentioned authorities that is one of the problematic points of such a procedure. The first problem is that no other normative acts, except for the Land Code of the Republic of Kazakhstan (2003), do not establish the competence of the above-mentioned approving authorities to approve the transfer of agricultural land. This fact often leads to lengthy correspondence between applicants and state authorities or internally between state authorities in connection with clarification of the level of authority of the authorities to approve the transfer of land, sometimes involving justice authorities

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

to provide clarification of legal norms. This problem is exacerbated by the fact that the Land Code of the Republic of Kazakhstan (2003), while defining the list of authorities that approve land transfers (district or oblast agricultural, water management, and environmental protection authorities), does not specify the competence of such authorities in order to more precisely define the name of the approving authority. As a result of this ambiguity, officials of higher-level approving authorities, who base their approvals on the approvals of lower-level authorities, require approvals from additional lower-level authorised authorities as a "safety net", which is not provided for by the current Land Code of the Republic of Kazakhstan (2003) and the Water Code of the Republic of Kazakhstan (2003).

From the above list of approving authorities, the Land Code of the Republic of Kazakhstan (2003) specifies only the authorised authorities of the district, city, oblast, and the central authorised body. According to Article 12 of the Land Code of the Republic of Kazakhstan (2003), an authorised body is defined as a "structural subdivision" of the executive body regulating land relations of the oblast, district, city. An example of a misunderstanding of the authority approving land transfer is the practice of requesting at the district and oblast level the approval of the territorial subdivision of the department of the authorised body that carries out state management of the use and protection of the water fund on the territory of the respective basin, while land legislation requires the approval only from the water management body. The situation that has arisen is probably due to the ambiguity of understanding the term "farm" in the context of water management. In particular, it is unclear whether the term refers to water bodies that are state-owned and controlled by Basin Inspectorates or to state-owned water management facilities registered with local executive authorities (Mirzabaev et al., 2023).

This ambiguity in interpretation leads to the fact that the coordinating authorities require approval from both the structural unit of the local executive body controlling the field irrigation system and the Basin Inspectorates responsible for the water bodies. The central authorised body has its own practice of requesting additional approvals: in violation of paragraph 10 of Article 98 of the Land Code of the Republic of Kazakhstan (2003), the Ministry of Agriculture of RK requires approvals from the central authorised body controlling water resources of RK in addition to approvals from the central authorised bodies of agriculture and environmental protection. In addition, instead of the department of ecology of the region, the central authorised body requests the approval of the department of natural resources as the body responsible for environmental issues.

Analyses of the situations that arise allow concluding that they are not just exhaustive gaps in the legislative order but also requirements for civil servants. This problem requires serious attention and corrective measures because its consequences go beyond law and order – it also reduces the time of land tenure. Effective administrative regulation in this area should be manifested by strict control over the incompetence of civil servants, especially when it leads to serious irregularities and delays in the land transfer process. This is necessary to create mass production and the inclusion of civil servants, which in turn can lead to a better and fairer land administration system. In addition, continuous training and capacity building for civil servants are important tools in this area.

The second problem that may attract particular attention is the lack of an established form for the expression of the consenting group. In reality, it is expected to develop on the part of the conciliating bodies different versions of the wording that do not provide clarity on the task of conciliation, thus making it more difficult to make an unambiguous judgement on the conciliation of dispute settlement negotiations. For example, a finding by the conciliating authority that agricultural land is assigned to a water protection zone but outside the water protection zone does not clearly agree on the translations of the land. In the case of apprehension, the higher-level coordinating body requires clarification, and observations are found with the strongly suspect phrase "land transfers to be

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

agreed". This, in turn, will increase the efficiency and usability of the entire goal translation process. It is important to note that such a fragmented approach to the formulation of harmonisation is not only associated with unnecessary delay and complication of procedures, but can also encourage the proliferation of opaque and corrupt practices. If they are not sufficiently concentrated and unambiguous, serious problems arise.

Addressing this requires consideration and the development of new mechanisms to address the problems, as well as observation of the implementation of changes. Ongoing feedback between landownership and the public is needed to ensure that the changes being made work to the benefit of all parties, as well as improve efficiency. This will help to create a more open and predictable environment, which, in practice, will prove to be more accessible to all identified parties (Bayboltaeva et al., 2015).

The third problem is the most significant for interested landowners – the lack of a timeframe for each consenting authority to agree on land transfer materials. Practice shows that the higher the level of approval, the longer the approval process takes. If at the district level the materials on land conversion are agreed upon for no more than two months, at the oblast level the documents may be delayed for three months or more. The central authorised body (Ministry of Agriculture of the Republic of Kazakhstan) may even delay the approval of land transfers for more than one year (Table 2). In the context of analysing this issue, it is suspected that the duration of the approval processes at different levels of government may indicate structural deficiencies in the existing system. To address the problems, it is suggested that clear timeframes for approval at each level of government, including the central authorising body, be considered. This will enable landowners to better plan their actions and reduce the risks associated with the uncertainty of the process. In parallel, there is a need to identify the whole process of harmonisation, informing landowners of the status requires their attention to each involvement (Bayboltaeva et al., 2015).

Consequently, addressing a number of existing shortcomings can seriously weaken the basis for

Table 2. Approval bodies and issues in land transfer processes in Kazakhstan

Authority Level	Responsibilities and Issues
District Executive Body	Handles initial verification and approval for less valuable lands. Makes final judgment on land registration for such lands. Faces challenges in competency clarity and may require additional approvals, leading to delays.
Regional Executive Body	Prepares opinions on more valuable lands and submits them to the central authorities. Requires approvals from regional industrial, water management, and environmental authorities. Experiences delays due to extended review processes and additional approval requirements from central bodies.
Central Executive Body	Final approval authority for highly valuable lands. Involves multiple central bodies for comprehensive review, including agriculture, water resources, and environmental protection. Delays are possible with an approval processes beyond a year, reflecting structural deficiencies and bureaucratic inefficiencies. Inconsistent requirements and lack of standardised forms for approvals complicate and prolong the process.
Issues Identified	Ambiguity in authority, confusion over which bodies have the final approval authority leads to extended internal correspondence and delays. Lack of standardised forms, different approving authorities use varied and unclear forms, making it difficult to achieve unambiguous approvals. Bureaucratic inefficiencies and lack of clear guidelines contribute to corruption and misuse of land. Prolonged approval times, higher-level approvals take significantly longer, affecting landowners' ability to plan and execute their projects efficiently.

Source: compiled by the authors.

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

corruption in the conversion of agricultural land and change the intended use of land plots from agricultural to non-agricultural. Such measures could include establishing a direct link between agricultural maps and the State Land Cadastre, clarifying the structure of approving authorities, standardising the form of approving resolutions, and introducing specific deadlines for the approval of land conversion materials for each approving authority.

CONCLUSIONS

In this research, it was established that the transfer of agricultural land in Kazakhstan impacts both economic and social aspects. This is confirmed by statistics on the significant amount of land being converted to other uses, causing changes in the lives of communities, the economy, and the country's ecosystem. Land privatisation in Kazakhstan, especially for those playing a critical role in increasing production, presents complex dynamics. On one hand, this process can be characterised as a catalyst for many complex socio-economic processes, but on the other hand, it leads to a concentration of land resources in the hands of certain entities. This situation highlights the limited access to land for a large part of society, which can lead to further social and economic imbalances.

At the time of the formation of the Republic of Kazakhstan and continuing to this day, the share of land plots classified into categories such as industry, transport, and communications has remained limited. This indicates that such sites have restricted use in their respective areas, which increases competition for access to them. In contrast, agricultural land occupies a significant share, emphasising the central role of agriculture in the economic structure of Kazakhstan and designating this area as the main focus in the process of land privatisation.

The privatisation of land plots in Kazakhstan, legalised by Decree No. 2717 and the Land Code of the Republic of Kazakhstan, has significantly altered land ownership and the landscape. This legal framework has encouraged residential and agricultural expansion but has also led to speculation and a concentration of land ownership among a small group. This unequal distribution of land resources has negatively impacted the livelihoods of small- and medium-sized farmers and increased rural-urban migration. Additionally, the land privatisation process faces significant challenges due to bureaucratic obstacles, including delays in document processing and demands from higher authorities. This results in considerable time costs and difficulties in transferring land. The approval process at different government levels further complicates the process, with approval taking up to two months at the district level and three or more months at the regional level. This highlights the heterogeneity of the bureaucratic process and the need to reform and streamline land transfer procedures.

The legal framework governing land use and ownership in Kazakhstan needs to be refined and clarified. The Land Code of the Republic of Kazakhstan should be amended to define the roles and responsibilities of various approving authorities at district, regional, and central levels. Standardised forms and procedures for land use applications and approvals are essential to reduce confusion and ensure transparency. Specific timelines for each stage of the approval process should also be included. The proposed legislation aims to improve land use regulations, promote sustainable practices, and support small and medium-sized farmers. It will clarify authorities' roles, create an independent oversight body, and develop a centralised land information system for transparency. The legislation will also clarify land transfer legislation, considering specific regions and sectors and analysing the economic feasibility of converting agricultural land into legislative and regulatory mechanisms. The legislation will involve the public in land transfer decisions, considering the interests of various social groups, including small and medium-sized agricultural producers.

REFERENCES

Agency for Strategic planning and reforms of the Republic of Kazakhstan Bureau of National statistics. (2022). *Kazakhstan in 2022: Statistical yearbook*.

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

Akimbekova, G., Horská, E., & Yegizbayeva, G. (2017). Evaluation of the development of various forms of agriculture cooperation in the Republic of Kazakhstan. *Visegrad Journal on Bioeconomy and Sustainable Development*, *6*(1), 39–44. https://doi.org/10.1515/vjbsd-2017-0007

Bayboltaeva, N. A., Makulova, A. T., Abaeva, K., Alibekova, B. A., & Bolysbayeva, A. (2015). Problems of development of accounting on peasant (farm) enterprises in Republic of Kazakhstan. *Asian Social Science*, *11*(14), 211–218. https://doi.org/10.5539/ass.v11n14p211

Bureau of National Statistics. (2023). Statistics of agriculture, forestry, hunting and fisheries. https://stat.gov.kz/en/industries/business-statistics/stat-forrest-village-hunt-fish/

By 2030 the area of irrigated lands in Kazakhstan will be brought to 3 mln ha – S. Brekeshev. (2021). https://primeminister.kz/ru/news/v-kazahstane-do-2030-ploshchad-oroshaemyh-zemel-budet-dovedena-do-3-mln-ga-s-brekeshev-5996

Committee for Land Resources Management of the Ministry of Agriculture of the Republic of Kazakhstan. (2022). Consolidated analytical report on the condition and use of lands of the Republic of Kazakhstan for 2021. https://www.gov.kz/uploads/2022/4/11/b09469de9be9cc54d2cc0e9cc7a77e84_original.7131188.pdf

Decree of the President of the Republic of Kazakhstan No. 2717 "On land". (1995). https://online.zakon.kz/Document/?doc_id=1004064

Espolov, T., Espolov, A., Kalykova, B., Umbetaliyev, N., Uspanova, M., & Suleimenov, Z. (2020). Asia agricultural market: Methodology for complete use of economic resources through supply chain optimization. *International Journal of Supply Chain Management*, *9*(3), 408–413. https://doi.org/10.59160/ijscm.v9i3.4912

Food and Agriculture Organization. (2021). The state of the world's land and water resources for food and agriculture. http://www.fao.org/3/cb7654en/cb7654en.pdf

Hamidov, A., Helming, K., & Balla, D. (2016). Impact of agricultural land use in Central Asia: A review. *Agronomy for Sustainable Development*, *36*, 6. https://doi.org/10.1007/s13593-015-0337-7

Hysi, A., Avdulaj, J., Shahini, E., Goga, I., & Shahini, E. (2024). Role of legal regulation in the establishment and development of the public administration system with local self-government aspects. *Social and Legal Studios*, *7*(1), 27–36. https://doi.org/10.32518/sals1.2024.27

Illáš, M. (2019). Agricultural soil and agricultural land – Problems and challenges from the view of legal regulation. *EU Agrarian Law*, *8*(1), 8–15. https://doi.org/10.2478/eual-2019-0002

Kaigorodtsev, A., & Bordiyanu, I. (2014). SWOT-analysis of an innovation cluster creation in East Kazakhstan. *Actual Problems of Economics*, *156*(6), 284–290. https://www.researchgate.net/publication/297175635_SWOT-analysis_of_an_innovation_cluster_creation_in_East_Kazakhstan

Kerimkhulle, S., Baizakov, N., Slanbekova, A., Alimova, Z., Azieva, G., Koishybayeva, M. (2022). The Kazakhstan Republic Economy Three Sectoral Model Inter-sectoral Linkages Resource Assessment. In R. Silhavy (Ed.), *Artificial Intelligence Trends in Systems. CSOC 2022. Lecture Notes in Networks and Systems* (vol. 502, pp. 542–550). Springer.

Kerimkhulle, S., Koishybayeva, M., Slanbekova, A., Alimova, Z., Baizakov, N., & Azieva, G. (2023). Created and Realization of a Demographic Population Model for a Small City. *Proceedings on Engineering Sciences*, *5*(3), 383–390. https://doi.org/10.24874/PES05.03.003.

Khamzina, Z., Buribayev, Y., Almaganbetov, P., Tazhmagambet, A., Samaldykova, Z., & Apakhayev, N. (2020). Labor disputes in kazakhstan: Results of legal regulation and future prospects. *Journal of Legal, Ethical and Regulatory Issues*, *23*(1), 1–14. https://www.abacademies.org/articles/labor-disputes-in-kazakhstan-results-of-legal-regulation-and-future-prospects-8978.html

Kvartiuk, V., & Petrick, M. (2021). Liberal land reform in Kazakhstan? The effect on land rental and credit markets. *World Development*, *138*, 105285. https://doi.org/10.1016/j.worlddev.2020.105285

Land Code of the Republic of Kazakhstan. (2003). https://adilet.zan.kz/eng/docs/K030000442_

Marchenko, O., & Orobchuk, M. (2021). Modern methods to provide resource security of agricultural land-use. *Social and Legal Studios*, *4*(4), 137–147. https://doi.org/10.32518/2617-4162-2021-4-137-147

Marchenko, S., & Novak, T. (2021). Problems of legal forms of management in the agricultural sector. *Law. Human. Environment*, *12*(4), 45–53. https://doi.org/10.31548/law2021.04.06

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com

Mirzabaev, A., Strokov, A., & Krasilnikov, P. (2023). The impact of land degradation on agricultural profits and implications for poverty reduction in Central Asia. *Land Use Policy*, *126*, 106530. https://doi.org/10.1016/j.landusepol.2022.106530

Moldakenova, Y., Bakirbekova, A., Moldashbayeva, L., Biyev, V., & Yskak, N. (2017). Kazakhstan and the European Union: Prospects of cooperation in developing the agro-industrial sector of economy. *Journal of Advanced Research in Law and Economics*, *8*(6), 1861–1874. https://journals.aserspublishing.eu/jarle/article/view/1839

Nurmukhametov, N. N., Islyam, G. I., Zhamieva, A. E., Bordiyanu, I. V., & Suieubayeva, S. N. (2023). The influence of fiscal factors on the sustainability of the regional economy development. *Rivista di Studi sulla Sostenibilita* [*Journal of Sustainability Studies*], *13*(1), 249–265. https://doi.org/10.3280/RISS2023-001-S1016

Nurzhanova, G., Mussirov, G., Niyazbekova, S., Ilyas, A., Tyurina, Y., Maisigova, L., Troyanskaya, M., & Kunanbayeva, K. (2020). Demographic and migration processes of labor potential: A case study of the agricultural sector of the Republic of Kazakhstan. *Entrepreneurship and Sustainability Issues*, *8*(1), 45–55. https://doi.org/10.9770/jesi.2020.8.1(45)

Ostapchuk, T., Orlova, K., Biriuchenko, S., Dankevych, A., & Marchuk, G. (2021). Defuzzification in the process of managerial estimating the value of agricultural lands. *Agricultural and Resource Economics*, *7*(4), 62–81. https://doi.org/10.51599/ARE.2021.07.04.04

Otesheva, A. K., Zhumagalieva, B. Z., & Akhmetova, G. T. (2019). The agro-industrial complex development trend of the Republic of Kazakhstan. *Problems of AgriMarket*, *2*, 34–40. https://www.jpra-kazniiapk.kz/jour/article/view/283/?locale=en_US

Pashaeva, I. V., Aliyeva, M. S., Atakishiyeva, N. N., Babashirinova, E. M., Musayeva, N. M. (2020). Digital models of income and expenditure management and accounting. *TEM Journal*, *9*(2), 590–600. https://doi.org/10.18421/TEM92-22

Prabhakar, S. V. R. K. (2021). A succinct review and analysis of drivers and impacts of agricultural land transformations in Asia. *Land Use Policy*, *102*, 105238. https://doi.org/10.1016/j.landusepol.2020.105238

Sakkaraeva, D., & Kumashev, M. (2024). Analysis of the agro-industrial sector of the Kyrgyz Republic. *Ekonomika APK* [*APK Economics*], *31*(2), 41–50. https://doi.org/10.32317/2221-1055.202402041

Sautbekova, O. K., & Abuov, K. K. (2014). Economic efficiency of production of cattle meat in Northen Kazakhstan. *Actual Problems of Economics*, *8*(158), 106–112.

The Water Code of the Republic of Kazakhstan. (2003). https://adilet.zan.kz/eng/docs/K030000481_

Tokbergenova, A., Kiyassova, L., & Kairova, Sh. (2018). Sustainable development agriculture in the Republic of Kazakhstan. *Polish Journal of Environmental Studies*, *27*(5), 1923–1933. https://doi.org/10.15244/pjoes/78617

Tokhayeva, Z. O., Almukhambetova, B. Z., Keneshbayev, B., & Akhmetova, K. (2020). Innovative processes' management in agriculture and food security: Development opportunities. *Entrepreneurship and Sustainability Issues*, *7*(3), 1565–1579. https://doi.org/10.9770/jesi.2020.7.3(10)

Yerkinbayeva, L. K., & Bekturganov, A. E. (2013). Legal problems of the modern agricultural policy of the Republic of Kazakhstan. *Procedia – Social and Behavioral Sciences*, *81*, 514–519. https://doi.org/10.1016/j.sbspro.2013.06.469

✉olessyamukham@outlook.com, ✉svetlana-moroz@hotmail.com, ✉saidaakimbekova8@gmail.com