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## DEVELOPMENT OF LAND RELATIONS IN KAZAKHSTAN

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*У Казахстані, як і в інших країнах, земельні відносини є основою економічних відносин, що обумовлено особливою роллю землі в житті суспільства. У статті проаналізовано вплив проведених в Республіці Казахстан аграрних перетворень на землекористування. Вказані причини, через які скоротилася площа використовуваних сільськогосподарських угідь та обсяги виробництва сільськогосподарської продукції. Пропонується поліпшити рішення правових та методичних питань. Приватизація земель сільськогосподарського призначення повинна бути пов'язана з кваліфікаційною вимогою власнику. Для регулювання земельних відносин необхідно мати автоматизовану інформаційну систему кадастрових даних. Державні заходи повинні забезпечити включення в сільськогосподарське виробництво землі з потенційно родючими ґрунтами, раціональне планування і перерозподіл земельного фонду, відповідно до потреб розвитку різних галузей народного господарства. Розвиток земельних відносин в умовах ринкової економіки змінило форми господарювання, проте виявлені негативні моменти даного процесу — скоротились обсяги робіт з державного землеустрою, недостатня ефективність державного контролю. Пропонується удосконалити діяльність державних інституцій по адмініструванню землі, при цьому використовувати автоматизовану систему земельного кадастру. При наявності необхідної кадастрової інформації можна на належному рівні вирішити питання раціонального використання земельних ресурсів, питання земельного ринку та оподаткування, економічного стимулювання роботи з охорони та поліпшенню сільськогосподарських угідь.*

**Ключові слова:** *земельна реформа, земельні відносини, сільськогосподарські угіддя, раціональне використання землі.*

Land reform in Kazakhstan was launched after gaining independence and declaration of the transition to a market economy. The past 20 years of economic reform have shown that lack of knowledge, and often ignoring proven in the world of economic methods of regulation of land relations was reflected in the legal framework of land reform, in practical steps for its implementation had a negative impact on its results. As a result of the economic reforms in

Kazakhstan was completely destroyed by the old system of management of rural economy, based on the close connection of large farms with objects corresponding to the production and social infrastructure, the components of a single agricultural sector, aimed at solving the general problem for all. The crisis in agriculture, large areas of agricultural land withdrawn from economic circulation, leading to a sharp increase in the proportion of reserve land and fallow land.

All this suggests that land reform in the agricultural sector was carried out without due regard to the specifics of agriculture as a socially and economically important to the viability of society and economic activity, and in isolation from the reform of industrial and economic relations. Add to this the problem of imperfect system of payments for the land.

The problem is compounded by the reduced role of land management, which subsequently led to the loss of the main functions of the state in the field of land management, which consists in the organization and implementation of state control over the use and protection of land, planning and forecasting their use, information management data for the land cadastre, land monitoring, etc.

The experience of land reform in other countries suggests that the land issue is fundamental to agricultural policy, as well as in the economic policy of the state. However, in the Republic of Kazakhstan there is no clear-cut at the state level and grounded concept and program of implementation of the land policy.

To address these shortcomings, a new approach to the development of land relations, is to develop the scientific and methodological recommendations for reform of land relations on the basis of improvement of their economic and legal framework. Kazakhstan's intention of entering the top 50 most competitive countries — to regulate the processes of economic transformation, to develop a strategic direction for economic and territorial development.

A significant contribution to the study of this problem have made prominent Kazakhstani scientists — economists farmers: Seyfullin J.T. (2001), Podolsky L.I. (1983), Tkachuk S.A. (1996), etc.

The purpose of research — identify key areas for regulation of land relations in Kazakhstan. Tasks:

- Analyze the development of land relations;
- To assess the agrarian reforms and their impact on agriculture and land use;
- To analyze the existing system of regulation of land relations;
- To determine the direction to improve land management and land registry system.

The methods of analysis of scientific literature and abstraction, mathematical-statistical method. The study used the legal acts, scientific literature, the database land information system in Kazakhstan and other statistics.

*Agrarian policy and land management.* The emergence and early development of land relations of the peoples living on the territory of

present-day Kazakhstan, in our view, include the period c ancient times to the seventeenth century. Second Period — the period of the stay LRA Kazakhstan, Russia, the colonial margin as before 1917 third period — the development and establishment of land relations in Soviet period, from 1917 to 1990, and the last, the fourth period — from the beginning of the land reform in Kazakhstan and to the present. (Seyfullin J.T., 2004).

In today's market conditions, land relations play an important role in the agricultural sector of the economy of Kazakhstan. Agrarian relations act as socio-economic relations arising in the general process of reproduction in the agricultural sector. (Abeldina R.K., 2010) Rushing the implementation of land reform, the lack of state support for agricultural producers in the initial stages of its development, the reduction of state control over land use and protection have led to a deep crisis in agriculture, which had an effect on the condition of land. Land reform in the country, conducted since 1990, has led to total deregulation of land and property in the agricultural sector. Here are the most important factors of macroeconomic policies, which to a large extent influenced by the aggravation of the agrarian crisis:

- reduction of land-quality agricultural land;
- reducing the efficiency of agricultural production;
- the backwardness of the material and technical base;
- significant changes in the regional specialization of major products, which led to disruption of supply of products for the inter-regional exchange;
- an increase in the migration of the rural population;
- decrease in the standard of living of the rural population;
- a sharp gap between the developed countries and the world average in terms of productivity of agricultural production and productivity (Adilbaev K.S., 2004).

The agrarian crisis was part of the general economic, had deep roots and long-term nature, which was caused by decades pursued a specific agrarian policy of the state. To overcome the negative trends in agriculture needed agrarian reform, providing a system of measures for a radical transformation of economic relations in the countryside. Many scholars and practitioners have repeatedly stressed the need to phase in the reform of agriculture from the bottom, on a voluntary rather than prescriptive basis. (Espolov T.I., 2004) But in the 20 years of economic

reforms situation was still worse: the question of the place of agriculture and its role in preserving the environment, traditions, customs and culture of the people remains open in all the countries of the Commonwealth of Independent States (CIS).

The solution to this problem must be related to the settlement of land relations, as the land is the main means of production. In order to find ways of further development of the analysis of land use in foreign countries, which showed that the land tenure in most European countries belong to the type of land relations. They are stable, drawing the market institutions and rights guarantees from the state, the lack of active land reforms. Modern agricultural policy in these countries is related mainly to the environmental problems of preserving and improving the quality of the land. From the multitude of problems in the regulation of land relations is the experience of most interest in the regulation of property relations (Table 1).

Analysis of regulation of land relations abroad shows that regardless of the form of ownership of the land the main issue is the rational use and protection of land, their use for the intended purpose. In countries where agricultural land available to private property, when sold imposed mandatory restrictions, for example, by the presence of a special agricultural education. In Kazakhstan, however, such conditions are put forward. To buy the land can any citizen who has attained the age of 18. (Kurmanova G.K., 2010)

Based on the experience of foreign countries, we believe that Kazakhstan needs to reconsider the relation to the spread of private ownership of agricultural land and increased attention to the adoption of measures for the efficient use of land by the state control over their use and protection. Agricultural policies should be aimed at improving the properties of the earth and the rational organization of agricultural land use. In the documents of the interstate conference in Rio de Janeiro 1992 indicated that the government at the appropriate level Make sure to strengthen the information systems for decision-making and assessment of future changes in land-use and management of land resources. To this end, they should strengthen the information system and the systematic monitoring and evaluation of the environmental, economic and social data related to land resources. More specifically, the objectives are to develop policies to support the best possible land use and management of land resources Make sure to ensure that policies and policy instruments support the best possible land use and sustainable management of land resources. Particular attention should be paid to the role of farmland. To this end, they should: Review the regulatory framework in order to identify improvements that are needed to support sustainable use and management of land resources and limitations on the transfer of productive arable land to other uses. All developing countries should, as appropriate, to consider undertaking a comprehensive national inventory of

Table 1

The grouping of foreign countries by ownership and restrictions on land use

Country	Ownership of land	Specific conditions
China	Solely state	Effective use of land, the existence of different forms of management — AO, GP, corporations
Germany	The prevailing private property	High land prices
Israel	On agricultural land — only state	There is a mortgage of land
Denmark	predominantly private	Mortgage earth for owners and users need to have a special agriculture education
Norway	predominantly private	Unused land are leased to 10 years
USA	predominantly private	For the purchase of land in private ownership is necessary: being a citizen; defined maximum limits, a ban on the purchase of land by citizens of unfriendly countries
Poland	Private, state	For the purchase of land necessary to: USDA permit; consent of Ministry of Internal Affairs and Administration

Source: Kurmanova G.K., Land relations in Kazakhstan: theory, practice and the development of a thesis, Astana, 2010.

Elements of the system of land relations in the Republic of Kazakhstan

Elements	Characterization
Object	land, real estate, located at the site
Subjects	government, individuals, legal persons, public agencies
Relations on land ownership	State ownership — is the subject of a State, private property — is available to individuals and non-state entities
Relations with regard to land use	DC — given the state legal businesses; temporary (long-term and short-term) is provided to individuals and non-state entities.
Relations on the appropriation and distribution of income	Making a profit at the expense of adding additional costs to organic and mineral fertilizers, plant protection products
The relationship of payments for land	Land tax — levied on agricultural land, land settlements, land, industry, transport, communication, defense and other non-agricultural purposes (payers — land owners, land users the right of permanent and primary gratuitous temporary use), rent-payers are physical and legal person on the right of temporary paid land use
The process of economic use of land	The set of actions aimed at the use of land for the organization of agricultural production, conservation and improvement of soil fertility, produce quality products and profits
The process of regulation of land relations	The set of actions aimed at addressing land policy issues in the field of rational use and protection of land resources through a system of economic, administrative and social measures and improvement of the land legislation that meets current market conditions

Source: Kurmanova G.K., Land relations in Kazakhstan: theory, practice and development path, thesis, Astana, 2010.

their land in order to build information systems for land resources, and to consider the development of national plans for sustainable use of land resources.

*The system of land relations.* Based on the analysis of land relations allocated eight basic elements, each of which is characterized by its own features and characteristics (Table 2).

It is well known that the main condition for the prosperity of any country are land resources. In this case, the land must be considered not only from the point of view of the main means of production, it can perform a variety of functions (Table 3).

Table 3 shows that the land has unique characteristics, and in different sectors of the economy performs a different role. In agriculture and forestry, it is the principal means of production, where the main criterion is soil fertility. In different climates different soil fertility, their different location. These factors affect the amount of recoverable income. In addition, the land is a spatial basis, carry out political, economic, ecological and social functions. (Abeldina R.K., 2010)

Overall, the analysis of the history of land relations in Kazakhstan allows us to derive a

number of patterns of state regulation of land relations.

1) at the existing level of development of productive forces and relations of production must operate different forms of farming;

2) land relations are subject to the regulatory impact of the state and society. By government regulation should include:

- involvement in the agricultural use of land that have a higher fertility, the best location, configuration, topography, and other space-technological properties of the land in order to obtain greater profits;

- the allocation of state land for a specific purpose (for individual housing construction (individual housing), a special land fund, etc.);

- the balance between land, means of production and labor. (Kurmacheva G.L., 2003).

After reviewing and summarizing the research of domestic and foreign scholars in the field of land relations, invited the author's interpretation of the concept: «Land relations — is the relationship between the state, the owners and users of land to produce marketable products, with the main emphasis should be placed on ecological land use and tenure, which allows to solve the problem of rational use and protection

Table 3

## Functions of the land

Functions political The spatial basis economic social Environmental resource	Value Limits limit the sovereignty of the Republic The location of the various facilities to ensure the normal life of the citizens of the Republic of Kazakhstan The object of management, product, profit, member of commodity-money relations, taxation, etc. Habitat and the condition of human life Objectively existing natural object capable of the rational use of the resumption of The main means of production, the basis for the extraction of mineral resources, mineral resources, oil, etc.
Political	Limits limit the sovereignty of the Republic
The spatial basis	The location of the various facilities to ensure the normal life of the citizens of the Republic of Kazakhstan
Economic	The object of management, product, profit, member of commodity-money relations, taxation, etc.
Social	Habitat and the condition of human life
Environmental	Objectively existing natural object capable of the rational use of the resumption of.
Resource	The main means of production, the basis for the extraction of mineral resources, mineral resources, oil, etc.

Source: Abeldina R.K. «The formation and development of the land market in Kazakhstan», Dissertation, Almaty, 2010.

of land for future generations». Hence the need to find new approaches to the development of land relations by changing the concept of land reform aimed at improving the environmental condition and the qualitative properties of land.

In basic laws of foreign countries, land is seen as a universal value, it has a social function — to serve the welfare of the people. Following sound use of land and other natural resources is recognized in the public interest. Therefore the state should establish a legal and regulatory act in such a way that the environment and the individual objects of the rational use of natural resources and their restoration and improvement. The law creates the possibility of state regulation of the main purpose of land use and, if necessary, the possibility of limiting the rights of private ownership of land. The legislature has a duty under the Constitution to determine appropriate controls and sanctions for non-compliance. The law may also provide for such social engineering measures to encourage owners of agricultural land and (or) land users to use it in accordance with the objectives of this land (Lietuvos, 2006)

*Analysis of the experience of land reform in the transition to a market economy.* Land reform

is a complex and multi-faceted complex, used to implement the following objectives:

- to make the transition to the variety of forms of land ownership, possession and use of land;
- provide a socially just and economically viable land redistribution and the creation of equal conditions for all forms of economic activity;
- an economic mechanism of regulation of land relations, encourage the sustainable use and protection of land;
- to stop the degradation of land and associated with other natural resources, to ensure their recovery. (Osmanov B.S., 2004)

With the implementation of the land reform land tenure change. The analysis of land use in the country showed that land reform is not the best way affected the status of the land capability. So, at the start of the land reform the share of agricultural land was 218.4 million hectares, or 80.1%. To date, these lands are 91.7 million ha or 33.6% of the total area.

Reduction of agricultural land due to a number of reasons:

- Bankruptcy and termination of the individual agricultural enterprises;

- Rejection of the land of peasant farming (KFH);
- The elimination of these lands unclaimed land shares and special land fund area;
- Poor quality land. (Sagin J.C., 2009)

Land reform in the country has resulted in a change of forms of land. The implementation of this direction was carried out by transferring the land under the jurisdiction of the settlements for agricultural use, create special land fund, granting land to individuals for the conduct of individual farms and household plots, other non-governmental organizations businesses in the agricultural sector.

Analysis of the implementation of land reform in Kazakhstan showed that during the land reform made some significant mistakes and errors, which, in turn, negatively affected the state of the land fund. They are:

- the lack of a clear government policy on the regulation of land relations on the organization of the management and protection of land;
- the lack of state support for agricultural producers;
- termination of the land;
- the lack of mortgage land;
- weakening of the function of the state in terms of monitoring the provision of land to private ownership, which has led to serious environmental and economic disruption;
- undeveloped land auction system of the property. (Yanginbaev B., 2004)

The Strategic Plan of the Republic of Kazakhstan Agency for Land Management, 2011–2015, it is approved by the Government of the Republic of Kazakhstan from March 1, 2011 number 208, provides that one of the areas of the Republic of Kazakhstan is the implementation of the provisions of the Land Code: ensuring the rational use and protection of land resources through the formation of a highly productive, ecologically oriented and adapted land use, improved land management, enforcement of land laws.

Formation of actual data on land provided by the state land cadastre, which is a system of information about the natural and economic situation of the Republic of Kazakhstan land, location, intended use, size and boundaries of the land, their qualitative characteristics, on account of land use and cadastral value of land, other necessary information. In the state land cadastre shall also include information on the subjects of land rights. The country has created a unified automated system of state land cadastre. Data from the State Land Cadastre (hereinafter — SLC) are the basis for the planning of land use and protection, during land management, assessment

of economic activities and the implementation of other activities related to the use and protection of land, maintaining the legal and other inventories, determining the amount of payments for land registration the value of land in the real property and land values in the composition of natural resources. The use of land resources of the country at the same time involves state control over land use and protection.

In this regard, the main objectives for the rational use and protection of land resources are:

- improve information support of the quantitative and qualitative state of land resources;
- improving the use of land resources to meet the requirements of industries and environmental protection,
- the establishment and maintenance of the state land cadastre, its conversion to automated technology;
- improving the quality of lands through the implementation of measures to protect and restore the soil, eliminate the negative human impact on the land;
- into the commercial production areas of plowing suitable land with good and medium quality soils (fallow (junk) of land) to engage in agricultural use in the category of reserve lands;
- the transition to a socially efficient land market and economic stimulation of rational use and protection of land resources;
- implementation of the directions of the Strategic Development Plan of the Republic of Kazakhstan until 2020, including the implementation of the predictive scheme for spatial development of the country to promote the rational distribution of productive forces, transport and communication, social and other infrastructure, population distribution by region for the sustainable development of the country.

## CONCLUSIONS AND SUGGESTIONS

1. Agrarian reforms in the land reform in the Republic of Kazakhstan have had a negative impact on agricultural production and the intensity of land use, they are one of the causes of significant reduction in agricultural land.

2. In the Republic of Kazakhstan in 1990 began a new phase of land relations through land reform. The main results of the land reform in Kazakhstan are the formation of diverse forms of ownership and management in the land redistribution of land resources, the introduction of paid land use, distribution of private ownership of agricultural land, development land market. As a result of the reform of agricultural land decreased by almost 3 times, increased reserve

land and fallow land. All this had a negative impact on the state land, as well as economy republic.

3. The current system of state regulation of land relations need to be improved. Implementation of the state land policy should be carried out using the methods inherent in a market economy.

4. The main directions of land management: the development and timely update of the required inventory information, development schemes and land development projects involving rational distribution, protection and improvement of agricultural land, the introduction of monitoring compliance with the law of the land. There is an urgent need to improve the methodology for determining the cadastral value of land for agricultural purposes and the tax system.

5. For administrative decision-making on management of land fund should be used Land Registry data. Full range approach to property is an automated information systems real estate cadastre, which later will find an effective use for the country's economic development and management of its various sectors.

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