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Problems and prospects of legal regulation of land use in the North Kazakhstan region: legal and institutional analysis

The article is devoted to a comprehensive legal and institutional analysis of land use in the North Kazakhstan Region (NKR) of the Republic of Kazakhstan, one of the country's key agricultural regions. It examines both fundamental and applied aspects of the regulatory framework governing land relations, including the provisions of the Constitution, the Land Code, by-laws, as well as national and regional programs such as the Agro-Industrial Complex Development Concept, the "Digital Kazakhstan" program, and targeted projects for preserving soil fertility. Special attention is given to current challenges in the practical implementation of land policy: inefficient and unbalanced use of agricultural land, disparities in the distribution of land resources between large Agricultural Holdings and small farms, insufficient digitalization of the cadastral system, weak integration of information technologies, and limited control over compliance with environmental standards and soil protection regulations. Based on official statistics, legal acts, and expert assessments, the author concludes that comprehensive modernization of land use regulation, enhanced monitoring, innovative agricultural technologies, and legal education programs for rural communities are necessary to ensure productive, sustainable, and equitable land use in the NKR.

Keywords: land use, land use right, North Kazakhstan Region, legal regulation, land policy, agricultural land, cadastral system, digitalization, agricultural holding company, sustainable development, environmental requirements, agro-industrial complex, legal awareness.

Introduction

Land is one of the most important non-renewable natural resources, serving as the basis for agricultural production, economic stability, and environmental sustainability. In the Republic of Kazakhstan, rational land use is a priority of state policy and legal regulation. This issue is especially relevant for the North Kazakhstan Region (NKR), where the majority of the territory is agricultural land. The region faces acute challenges such as inefficient use of farmland, unequal access to fertile plots, weak enforcement of land legislation, and insufficient digitalization of cadastral processes. These problems undermine food security, hinder sustainable rural development, and require urgent legal and institutional solutions [1]; [2, 15]; [3, 1114]; [4, 10]; [5].

The purpose of this research is to analyze the current state of legal regulation of land use in the North Kazakhstan Region, identify key legal and organizational problems, and propose measures to improve the existing land management model. The main objectives include:

1. Reviewing the legal framework governing land use in Kazakhstan and NKR.
2. Examining the institutional mechanisms for land allocation, monitoring, and protection.
3. Identifying gaps between legal norms and their practical application.
4. Proposing recommendations for improving the efficiency, transparency, and sustainability of land use.

The theoretical foundation of Kazakhstani land law reflects a balance between public and private law principles, with constitutional recognition of land as national wealth under state protection. However, in practice there is a discrepancy between declared principles—such as rational use, sustainable development, and priority of agricultural designation—and their implementation. Methodological challenges arise in assessing land use efficiency, monitoring compliance, and integrating environmental requirements. Institutional conflicts often occur between state bodies and private land users, as well as between large agricultural holdings and small farmers [3, 1119]; [6].

While a number of Kazakhstani scholars, including A.E. Bekturgenov, A.S. Stamkulov, and B.Zh. Abdraimov, have examined property rights and the legal regulation of agricultural land, there remains

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insufficient research into the regional application of these norms, especially in NKR. Literature rarely addresses the combined impact of cadastral digitalization, ecological monitoring, and legal enforcement mechanisms on sustainable land use. The gap between formal legal provisions and real-world enforcement has not been comprehensively analyzed in a regional context [1]; [4, 10]; [7, 27].

This study builds upon existing theoretical and empirical works but emphasizes the necessity of linking legal norms with practical tools such as GIS-based cadastral systems, satellite monitoring, and accessible legal education for rural land users. Unlike some studies that focus primarily on legislative analysis, this research integrates statistical data, institutional practices, and ecological indicators, offering a multidimensional view of the challenges facing land use in NKR. The author maintains that without systemic digital transformation, strengthened enforcement, and active participation of local communities, sustainable land management in the region will remain unattainable [6]; [8]; [9].

Methods and materials

The empirical basis of this study comprises a wide range of legislative, statistical, and scholarly sources relevant to land use regulation in the Republic of Kazakhstan. Key sources include the Land Code of the Republic of Kazakhstan and other special legislative acts, and subordinate regulations governing land use; regional programs of the North Kazakhstan Region aimed at promoting the rational use of land, advancing the digitalization of cadastral services, and preventing soil degradation; statistical datasets provided by the Committee for Land Resources Management, the Agency for Geology and Subsoil Use, and Local Executive Body (akimat) of the North Kazakhstan Region; as well as academic publications by Kazakhstani scholars addressing issues of land law and the sustainable development of land relations [10]; [11]; [5]; [12]; [13]; [14]; [15]; [16].

The methodological framework integrates both theoretical and empirical research approaches.

From a theoretical perspective, logical analysis and comparative legal analysis were applied to examine legal literature, academic studies, and legislative acts. These methods enabled the identification, classification, and systematization of the principal challenges associated with the implementation of land use rights in the North Kazakhstan Region.

From an empirical perspective, the research involved socio-legal monitoring to assess both the strengths and weaknesses of agricultural land use practices, and to evaluate the effectiveness of existing legal and institutional regulatory mechanisms.

Furthermore, the study employed the following analytical techniques:

- **Comparative analysis of statistical data** over temporally proximate periods, which facilitated the identification of short-term trends and changes in land use without overemphasizing long-term fluctuations;
- **Content analysis of legislative acts and regional policy documents** aimed at detecting overlaps, inconsistencies, and gaps in the current regulatory framework.

All data were systematized and cross-referenced to ensure consistency, and qualitative findings were supported by quantitative indicators where available.

Results

The analysis of legal regulation and land use practices in the North Kazakhstan Region (NKR) has led to several important findings.

1. **Historical and legal evolution.** Kazakhstan's land legislation has gradually evolved from the regime of complete state ownership during the Soviet period to the current dual model, which combines state ownership with private ownership and leasehold rights. The adoption of the Land Code in 2003 and subsequent amendments established a balance between market mechanisms and strategic state control over the national land fund [1]; [2, 30]; [7, 15]; [16].

2. **National trends.** Despite the existence of a relatively well-developed legal framework, systemic challenges persist in Kazakhstan. These include the inefficiency of lease mechanisms, weak enforcement of land use obligations, ongoing soil degradation, and insufficient digitalization of the land cadastre. Agricultural land, which accounts for approximately 75 % of the country's total land fund, remains the most vulnerable sector [3, 1118]; [6]; [16].

3. **Regional specifics of the NKR.** These nationwide issues are particularly evident at the regional level. In the North Kazakhstan Region, leasehold land use is predominant; however, a considerable share of land still remains in state ownership and is allocated for use by decisions of local executive bodies (akimats). The principal land users are farms and agro-industrial enterprises, yet access to the most productive plots is

highly unequal: large agricultural holdings retain control over fertile land, while smaller farmers are often left with degraded or less convenient parcels [6], [12].

4. Environmental dimension. Environmental challenges constitute one of the most pressing aspects of land use in the region. More than 75 % of agricultural land is affected by degradation, while 62.5 % of arable land is characterized by low humus content. Although environmental requirements are formally enshrined in legislation, they remain largely declarative, thereby reducing the effectiveness of soil protection policies. Therefore, there is an urgent need to move from formal provisions to the practical implementation of sustainable land use principles [10], [5], [6].

5. Digitalization and governance. Another critical issue relates to governance and transparency. The cadastral system remains fragmented and outdated, with limited application of geographic information systems (GIS) and electronic services. This not only hampers access to reliable land data but also creates risks of corruption and inefficiency in land allocation procedures [11]; [12]; [13].

6. International experience. Comparative analysis of foreign practices (European Union, United States, China, Russia, Uzbekistan) demonstrates that sustainable land use is best achieved through a combination of economic incentives and strict legal restrictions. For instance, subsidies and tax benefits for environmentally friendly practices are complemented by binding environmental standards and strong enforcement mechanisms. In this regard, the introduction of a hybrid model tailored to Kazakhstan's national conditions appears to be a promising direction for the North Kazakhstan Region [15]; [17]; [18]; [19]; [20]; [21; 110]; [22].

7. Practical measures. To overcome the identified problems, a comprehensive set of measures is required. These include: strengthening monitoring mechanisms, redistributing unused or abandoned land, enforcing mandatory crop rotation, updating and digitalizing the cadastre, simplifying lease procedures, and introducing legal education programs for farmers and land users [10]; [23, 108]; [8]; [13]; [14]; [16].

Discussion

A comparison of the obtained results with similar studies shows that the identified land use problems in the North Kazakhstan Region largely mirror the situation in other agricultural regions of Kazakhstan. Studies by A.E. Bekturgenov, A.S. Stamkulov, L.K. Erkinbayeva, and other authors indicate the same systemic challenges — the imbalance in land distribution, weak enforcement of norms on the compulsory withdrawal of unused plots, and insufficient digitalization of the cadastral system.

- In the works of Bekturgenov and Stamkulov, as in the present study, it is emphasized that existing legal norms generally comply with international standards, but their implementation is hindered by institutional inertia [1]; [4, 10]; [7; 75].
- Research by Erkinbayeva and Ozenbayeva also records problems with the completeness and relevance of cadastral data, which coincides with the conclusions of this study [3, 1115].

At the same time, several distinctive contributions of the present research should be noted. Unlike many previous studies, this work places emphasis on the integration of the digital cadastre with an environmental monitoring system as a key concept for improving transparency and efficiency in land management. While most authors limit themselves to legal analysis, this study attempts to combine legal and environmental components within a unified approach, thereby expanding the scope of the discussion towards sustainable land management.

Another point of divergence lies in the interpretation of the causes of ineffective land use. The author agrees with the prevailing conclusion that the main obstacles are insufficient oversight and the weak legal culture of land users. However, unlike some researchers, the author does not attribute the primary issue exclusively to the imperfection of legislation. On the contrary, the legislative framework is considered sufficiently developed, while the critical difficulty lies in the persistent gap between legal norms and their practical application. This discrepancy is explained by a combination of institutional, economic, and social factors — ranging from administrative inertia and resource shortages to the influence of lobbying groups.

The findings also contribute to the broader academic debate on sustainable land use. In particular, they confirm that the formal existence of legal instruments (withdrawal of unused land, priority rights of current tenants, environmental requirements) does not guarantee their effective implementation. Sustainable land use is achievable only under the conditions of digital transformation of the cadastre, improvement of legal literacy among tenants, and strict enforcement of environmental regulations. These conclusions resonate with the international concept of sustainable land management, according to which economic, legal, and environmental factors must be balanced in order to achieve long-term productivity and resilience.

Finally, the study has certain limitations that should be acknowledged. The analysis is based primarily on official statistical data, legal and regulatory acts, and regional programs, which may not fully capture informal land use practices or local socio-economic dynamics. Future research could deepen the discussion by including field studies, surveys of land users, and cross-country comparative analysis to assess the adaptability of international practices to Kazakhstan's conditions.

The reliability of the conclusions is ensured through the triangulation of sources, including statistical data, legal acts, and expert assessments, as well as a comparative analysis with the results of previous studies in this field.

Conclusion

The study has demonstrated that land use regulation in the North Kazakhstan Region reflects the general dualism of Kazakhstan's land law: the coexistence of state ownership with private ownership and leasehold rights, combined with strong state control over strategic resources. While the regulatory framework — represented by the Constitution, the Land Code, and subordinate acts — is relatively well developed and aligned with international standards, its practical implementation remains limited by institutional inertia, weak oversight, and the insufficient legal culture of land users [6]; [12].

The key problems identified include the imbalance in land distribution between large agricultural holdings and small farmers, ineffective enforcement of provisions on the withdrawal of unused plots, the low level of cadastral digitalization, and widespread soil degradation. These challenges reduce both the economic productivity and ecological sustainability of land use in the region [6]; [12].

A distinctive contribution of the present study is the proposal to integrate the digital land cadastre with an environmental monitoring system, thereby ensuring both transparency in land allocation and effective control over compliance with ecological requirements. International experience confirms that sustainable land management can only be achieved through a combination of economic incentives, strict legal restrictions, and effective monitoring mechanisms. For Kazakhstan, and particularly for the North Kazakhstan Region, adopting a hybrid model adapted to national conditions appears to be the most promising approach [6]; [12]; [22].

The main conclusion is that further progress requires not so much changes in legislation as a comprehensive modernization of implementation mechanisms. This includes the digital transformation of cadastral and land management systems, the introduction of satellite monitoring and GIS technologies, strict enforcement of environmental regulations, and the strengthening of legal awareness among farmers and tenants.

The practical significance of the study lies in the possibility of applying these measures to enhance transparency in land allocation, reduce corruption risks, and prevent further soil degradation. The scientific value consists in the interdisciplinary approach that combines legal, institutional, and environmental perspectives within the framework of a regional case study, thereby enriching the broader debate on sustainable land use.

Recommendations:

- Development of regional programs for modernizing the cadastral system and expanding digital services;
- Introduction of satellite monitoring, GIS technologies, and environmental audit tools into land use control;
- Legal and environmental training for farmers and tenants to improve compliance and awareness;
- Transparent and competitive procedures for land redistribution, ensuring equal access for small and medium-sized farms;
- Integration of ecological standards into the economic incentives system to support sustainable agricultural practices.

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А. Каскеева

Солтүстік Қазақстан облысындағы жер пайдалану құқығын құқықтық және институционалдық тұрғыдан реттеудің мәселелері мен перспективалары

Макала еліміздің негізгі аграрлық аймактарының бірі Солтүстік Қазақстан облысындағы (СКО) жерді пайдалану мәселелерінің құқықтық және институционалдық талдауына арналған. Онда Конституция,

Жер кодексі, занға тәуелді актілер, сондай-ақ агроенеркесіптік кешенді дамыту тұжырымдамасы, «Цифрлық Қазақстан» бағдарламасы және топырақ құнарлылығын сактау жөніндегі нысаналы жобалар сияқты мемлекеттік және аймактық бағдарламалардың ережелерін коса алғанда, жер қатынастарын реттейтін нормативтік-құқықтық базаның іргелі және колданбалы аспектілері қаралады. Жер саясатын іс жүзінде жүзеге асырудың өзекті маселелерге ерекше назар аударған, атап айтсақ: ауыл шаруашылығы жерлерін тиімсіз және тенгерімсіз пайдалану, ірі агрохолдингтер мен шағын шаруашылықтар арасында жер ресурстарын бөлудегі тенсіздік, кадастрық жүйенің жеткіліксіз цифрландырылуы, акпараттық технологияларды енгізуін төмен деңгейі, сондай-ақ топыракты коргаудың экологиялық нормалары мен стандарттарының сакталуына бақылаудың әлсіздігі. Ресми статистиканы, құқықтық актілердің және саралтамалық бағалауларды талдау негізінде авторлар құқықтық реттеуді кешенді жаңғырту, мониторинг пен есептілік жүйесін қүшету, инновациялық агротехнологияларды енгізу және ауыл тұрғындарына арналған құқықтық білім беру бағдарламасын көнегейдегі деген корытынды жасайды.

Кітт сөздер: жерді пайдалану, Солтүстік Қазақстан облысы, құқықтық реттеу, жер саясаты, ауыл шаруашылығы жерлері, кадастрық жүйе, цифрландыру, агрохолдинг, тұракты даму, экологиялық талаптар, агроенеркесіптік кешен, құқықтық білім.

А. Каскеева

Проблемы и перспективы правового регулирования землепользования в Северо-Казахстанской области: правовой и институциональный анализ

Статья посвящена всестороннему правовому и институциональному анализу землепользования в Северо-Казахстанской области (СКО) Республики Казахстан, которая является одним из ключевых аграрных регионов страны. Рассматриваются фундаментальные и прикладные аспекты нормативно-правовой базы, регулирующей земельные отношения, включая положения Конституции, Земельного кодекса, подзаконных актов, а также государственных и региональных программ, таких как Концепция развития агропромышленного комплекса, программа «Цифровой Казахстан» и целевые проекты по сохранению плодородия почв. Особое внимание уделено актуальным проблемам практической реализации земельной политики: неэффективному и несбалансированному использованию сельскохозяйственных угодий, диспропорциям в распределении земельных ресурсов между крупными агрохолдингами и мелкими фермерскими хозяйствами, недостаточному уровню цифровизации кадастровой системы, слабой интеграции информационных технологий, а также ограниченному контролю за соблюдением экологических норм и стандартов охраны почв. На основе анализа официальной статистики, правовых актов и экспертных оценок автор делает вывод о необходимости комплексной модернизации правового регулирования, усиления системы мониторинга и отчетности, внедрения инновационных агротехнологий и расширения программ правового просвещения сельского населения. Предлагаемые меры направлены на обеспечение высокой продуктивности, экологической устойчивости и социальной справедливости землепользования в СКО.

Ключевые слова: Землепользование, Северо-Казахстанская область, правовое регулирование, земельная политика, сельскохозяйственные угодья, кадастровая система, цифровизация, агрохолдинг, устойчивое развитие, экологические требования, агропромышленный комплекс, правовое просвещение.

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