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FROM ACCESS TO STAGNATION: LEGAL AND INSTITUTIONAL OBSTACLES TO AGRICULTURAL LAND TURNOVER IN KAZAKHSTAN

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ABSTRACT

Background: *This article explores the evolution and current state of legal regulation governing the turnover of agricultural land in the Republic of Kazakhstan through the lens of access to justice. It argues that the stagnation of agricultural land reform is not merely the outcome of economic inefficiency or legislative inconsistency but a manifestation of systemic procedural deficiencies that hinder fair participation, transparency, and effective remedies in land governance. By examining the trajectory of post-Soviet reforms—from the 1995 Presidential Decree "On Land" and the 2003 Land Code to the suspended 2015 reform and the subsequent "Zher Amanaty" initiative—the study reveals how the absence of procedural safeguards and meaningful public consultation undermined both market functionality and institutional legitimacy.*

Methods: *The article integrates comparative insights from Germany and Poland to assess Kazakhstan's legal framework against established European models of procedural justice in*

land relations. In Germany, administrative approval and judicial review ensure transparency and prevent excessive concentration, while in Poland, pre-emption rights and statutory size limits under the Act on the Shaping of the Agricultural System protect equitable access for active farmers. These systems exemplify how access to justice operates through both administrative and judicial mechanisms, balancing market efficiency with social fairness—principles that remain underdeveloped in Kazakhstan.

Results and conclusions: *Drawing on legal, institutional, and empirical analysis, including data on pledged agricultural land, concentration of holdings, and restitution outcomes under the Zher Amanaty program, the study demonstrates that Kazakhstan's land turnover mechanisms remain largely formal and insufficiently enforced. The paper concludes that the future of land reform depends on embedding procedural justice into all stages of land governance—through transparent administrative review, enforceable judicial oversight, and inclusive public participation. Strengthening these elements would not only enhance access to remedies and institutional trust but also transform agricultural land from a contested political resource into a foundation for equitable and sustainable development.*

1 INTRODUCTION

The rational use and equitable turnover of agricultural land are fundamental to the sustainable development of the agricultural sector and to the realisation of the constitutional principle that land belongs to the people of Kazakhstan. However, the effectiveness of land reform depends not only on the existence of legal norms but also on the accessibility and fairness of the institutions that enforce them. In other words, the success of agricultural land circulation is inseparable from the quality of access to justice in land governance.

In the Republic of Kazakhstan—one of the largest agrarian states in Eurasia with a total area of 272.5 million hectares[1]—the legal regulation of land turnover has become central to debates about food security, investment, and rural development. Yet, despite successive reforms since independence, the mechanisms ensuring fair participation, transparency, and legal protection of land users remain fragile. Weak procedural safeguards, limited judicial oversight, and the lack of effective administrative remedies have led to recurring cycles of reform and rollback.

After independence in 1991, Kazakhstan inherited 218.4 million hectares of agricultural land, but by 2021, this area had almost halved to 113.96 million hectares.[2] The decline is not only the result of ecological degradation, urbanisation, and the

1 Ministry of Agriculture of the Republic of Kazakhstan, *Consolidated Analytical Report on the State and Use of the Lands of the Republic of Kazakhstan for 2021* (Committee on Land Administration 2022) 14 [in Kazakh] <https://www.gov.kz/memleket/entities/land/documents/details/291911?lang=kk> accessed 9 July 2025.

2 ibid 15.

reclassification of land for non-agricultural purposes—it also reflects institutional failures to enforce lawful and rational land use. Large tracts of land have been withdrawn from production or concentrated in the hands of a few entities, often without adequate public scrutiny or judicial control.

Although numerous legal acts have sought to liberalise the land market, the actual circulation of agricultural land remains constrained by administrative opacity, complex procedures, and limited opportunities for legal redress. The 2015 reform and its subsequent suspension following nationwide protests illustrate how the absence of procedural justice and meaningful consultation can erode public trust and stall the transition toward an equitable land market.

This article argues that the stagnation of agricultural land turnover in Kazakhstan is not merely an outcome of economic inefficiency or legislative inconsistency, but rather a manifestation of systemic deficiencies in access to justice. By analysing the historical evolution of land reforms, the institutional and procedural barriers to effective remedies, and the comparative experience of Germany and Poland, the study seeks to demonstrate how fair, transparent, and accessible remedial mechanisms are essential for achieving sustainable and socially legitimate land governance.

2 METHODOLOGY

This study adopts an interdisciplinary and problem-oriented research design structured around the concept of access to justice in land governance. It combines formal legal, institutional, historical, comparative, and empirical methods to analyse how Kazakhstan's agricultural land regulation reflects and constrains the procedural rights of land users. The goal is not only to describe legal norms but to evaluate their effectiveness as mechanisms ensuring fairness, transparency, and accountability in land turnover.

The formal-legal method serves as the primary analytical tool, enabling a systematic examination of the 2003 Land Code of the Republic of Kazakhstan, the 2015 reform amendments, and the 2021 legislative revisions. Special attention is given to the provisions governing ownership, lease, and alienation of agricultural land, as well as the mechanisms for administrative and judicial protection of land rights. The analysis assesses how legislative design affects the realisation of procedural justice and the enforceability of land rights.

The institutional approach allows the study to evaluate the structure and performance of Kazakhstan's land governance institutions—particularly the roles of the Ministry of Agriculture, local executive bodies (akimats), and the Zher Amanaty Commission—in ensuring legal remedies and state oversight. Through this lens, the research examines whether institutional frameworks enable or restrict access to justice for land users in disputes over land allocation, seizure, or misuse.

The historical method contextualises these developments by tracing the trajectory of Kazakhstan's land policy from the early post-Soviet period to the 2015–2016 protests and subsequent reforms. This perspective reveals how historical legacies of centralised control, social perceptions of land ownership, and the politicisation of land reform have shaped procedural accessibility and public trust in legal institutions.

The comparative method provides an external benchmark by examining the experiences of Germany and Poland—countries that have achieved a balance between market efficiency and procedural fairness. In Germany, administrative approval (Genehmigungspflicht) and judicial review ensure that land transactions comply with public interest and prevent excessive concentration. In Poland, the pre-emption right (prawo pierwokupu) and statutory size limits protect equity and access for active farmers. By comparing these procedural safeguards with Kazakhstan's system, the study identifies structural gaps and institutional adaptation models relevant to national reform.

Finally, the empirical method supports the theoretical analysis with quantitative and documentary data, including official statistics on land concentration, the number and area of pledged agricultural lands, the outcomes of land restitution under the Zher Amanaty program, and publicly available judicial case summaries. These data provide a factual basis for assessing whether access-to-justice mechanisms effectively contribute to fair and sustainable land use.

Together, these methodological approaches form a comprehensive analytical framework that bridges legal doctrine, institutional practice, and empirical evidence. This integration makes it possible to assess Kazakhstan's agricultural land turnover not only as an economic process but as a test of procedural justice and institutional accountability in a transitional legal system.

3 POST-SOVIET PERIOD: FROM ADMINISTRATIVE CONTROL TO PROCEDURAL JUSTICE IN LAND REFORM

The early post-Soviet transformation of land relations in Kazakhstan reflected not only a shift from collective to market-oriented ownership but also the gradual emergence of procedural guarantees for protecting land rights. After independence in 1991, land relations continued to be governed by the Land Code of the Kazakh SSR of November 16, 1990,[3] which maintained the principle of exclusive state ownership of land. Under this system, land could be granted only for permanent or temporary use, with no private ownership and no clear remedial procedures in cases of administrative abuse. The

3 Land Code of the Kazakh SSR No 332-XII (16 November 1990) <https://adilet.zan.kz/rus/docs/K900000332_> accessed 9 July 2025. The Code has ceased to be effective in accordance with the Decree of the President of the Republic of Kazakhstan No 2717 of 22 December 1995.

absence of judicial protection for land users and the lack of appeal mechanisms meant that land allocation remained a discretionary administrative act, subject to unequal treatment and limited transparency.[4]

The Presidential Decree "On Land" of 22 December 1995,[5] marked the first attempt to reform this model by introducing the concept of private land ownership for citizens and legal entities of the Republic of Kazakhstan. For the first time, landowners were granted formal rights to sell, exchange, lease, and mortgage land plots. This represented not only an economic innovation but also a legal milestone in establishing enforceable property rights and access to judicial protection in land matters. The Decree also extended lease opportunities to foreign entities, aiming to attract investment and strengthen economic efficiency.

However, these reforms were primarily economic in nature and lacked a procedural framework ensuring fairness, accountability, and public participation. Decisions on land privatisation and allocation were concentrated in administrative bodies, often without transparent criteria or the possibility of independent review. As a result, early land privatisation reproduced inequality rather than reducing it, while judicial institutions remained passive in resolving land disputes. The emerging right to private ownership was therefore formal rather than effectively protected, as access to justice mechanisms—such as administrative appeals or judicial review—were still underdeveloped.

A more systematic approach emerged with the adoption of the Land Code of the Republic of Kazakhstan on 20 June 2003,[6] which codified the main provisions of the 1995 Decree. The Code legally recognised the alienation of temporary land-use rights, including their sale, transfer, and mortgage. These innovations were intended to stimulate a transparent and dynamic land market. Yet the 2003 Land Code also preserved extensive state control over land transactions through a licensing and approval system that limited procedural autonomy and access to impartial review.

Although the Code formally guaranteed equality of access to land ownership and use, its implementation depended heavily on administrative discretion. Many decisions of local executive bodies (*akimats*) could be challenged only through cumbersome court procedures, and the effectiveness of judicial remedies remained inconsistent. Thus, while the 2003 reform consolidated market instruments in land relations, it fell short of creating an institutional environment in which land users could rely on predictable, transparent, and fair legal processes.

4 Vasyl Kvartiuk and Martin Petrick, 'Liberal Land Reform in Kazakhstan? The Effect on Land Rental and Credit Markets' (2021) 138 World Development 105285. doi:10.1016/j.worlddev.2020.105285.

5 Decree of the President of the Republic of Kazakhstan No 2717 'On Land' (22 December 1995) [in Kazakh] <https://adilet.zan.kz/kaz/docs/U950002717_> accessed 9 July 2025. The Decree had the force of a Law, repealed by the Law of the Republic of Kazakhstan No 153 ~Z010153 of 24 January 2001.

6 Land Code of the Republic of Kazakhstan No 442 (20 June 2003) <https://adilet.zan.kz/eng/docs/K030000442_> accessed 9 July 2025.

In summary, the post-Soviet period established the legal basis for land market relations but failed to embed strong procedural safeguards ensuring access to justice. The early reforms achieved formal recognition of ownership but not the practical enforceability of land rights. The resulting gap between economic liberalisation and procedural justice would later become one of the structural causes of the 2015 land reform crisis.

4 FORMALISATION WITHOUT MARKET EFFICIENCY: THE EXERCISE OF LAND USE RIGHTS AS AN ILLUSION OF MARKETABILITY

The introduction of transferable land-use rights in Kazakhstan was designed to emulate global practices and accelerate the integration of agricultural land into market circulation. In legal terms, the 2003 Land Code allowed the sale and mortgage of temporarily compensated land-use rights. However, the reform's success was undermined by the absence of reliable procedures for registration, oversight, and dispute resolution. As a result, the formal exercise of these rights did not guarantee either market efficiency or fairness of legal protection. The gap between declarative rights and the accessibility of effective remedies has created what may be described as an *illusion of marketability*—a system that recognises land-use rights in law but provides few institutional avenues to enforce or defend them.

The practice of disposing of land-use rights is not new and is characteristic of many countries in Eastern Europe and Asia. Comparative examples illustrate that where procedural justice and institutional guarantees are embedded, land-use rights become real economic and legal instruments rather than formal constructs.

For example, Vietnam shares many similarities with the Republic of Kazakhstan. In Vietnam, the land titles system is fundamentally different from those in many jurisdictions worldwide, although there are some parallels. Under the Constitution of Vietnam and relevant Vietnamese law, all of the land in Vietnam is owned collectively by the people, and the State administers it on their behalf.[7] In carrying out this land administration function, the State—through various organs—allocates or leases to persons and entities "land-use rights," which entitle them to use a specified parcel of land for a specified purpose, sometimes for a finite period and sometimes indefinitely. The holding of land-use rights is recorded in a State-issued certificate, known as a *Certificate of Land Use Rights and Ownership of Residential Houses and Other Assets Attached to Land* (LURC). Thus, under Vietnamese law, while a person or entity can "own" the buildings constructed on land, no one can own the land itself; individuals can only be registered holders of land-use rights over a specific parcel.[8]

7 Law of the National Assembly of Vietnam No 31/2024/QH15 'On Land' (18 January 2024) <https://dazpro.com/law-31-2024-vietnam-on-land/ > accessed 8 July 2025.

8 ibid, ch 10; 'LURCs under Land Law 2024' (*Frasers Law Company*, 19 March 2024) <https://www.frasersvn.com/legal-updates-and-publications/lur-cs-under-land-law-2024> accessed 8 July 2025.

In Vietnam, the system of land rights is traditionally structured around three distinct categories: ownership, management, and use. According to the 1993 Land Law, ownership was articulated as "land is the property of the entire people, administered by the state, which allocates or leases land-use rights to users." This formulation was refined in the 2003 amendment, which emphasised that "land belongs to the entire people, with the state acting as the representative owner on their behalf." Each of the three categories—ownership, management, and use—carries different implications for rights and responsibilities. The concept of "management" grants the state authority to control and administer land, whereas "use rights" entitle individuals, households, and organisations to exercise direct control, benefit from land use, and transfer or otherwise dispose of those rights.[9]

While the transition away from collective farming began in the early 1980s, it was only with the 1988 Land Law that land-use rights were formally granted to individuals, households, and organisations. Since that time, the scope and content of these rights have undergone a significant transformation. The 2003 amendment to the Land Law, for example, considerably broadened the powers of holders of land-use right certificates, allowing them not only to use land but also to exchange, transfer, lease, mortgage, inherit, or even donate their rights. Importantly, Vietnam's system links these rights to *procedural guarantees*: registration of every transfer is mandatory, administrative decisions can be appealed, and judicial review of allocation disputes is available. This procedural infrastructure makes land-use rights enforceable in practice—an element largely missing in Kazakhstan's implementation.[10]

The Republic of Uzbekistan, Kazakhstan's closest neighbour, provides another instructive comparison. Within the framework of market relations, the interconnection among the disposal, possession, and use of land—particularly its function as collateral for securing credit obligations—remains a key issue in light of its significance and economic role. Under Article 264 of the Civil Code, a pledge is defined as a means by which one party transfers property or rights to another to secure obligations. In contrast, Article 265 extends this principle by allowing mortgages to take the form of a pledge of rights. In this context, real estate foreclosure constitutes a mortgage.[11] The Law "On Mortgage" further elaborates the regulatory framework,[12] providing, inter alia, that: (i) pursuant to legislative requirements, rights related to the construction of land plots may be pledged as unfinished property; (ii) lifetime possession rights in a land plot, which may be

9 Nguyen Van Suu, 'Contending Views and Conflicts Over Land in Vietnam's Red River Delta' (2007) 38(2) Journal of Southeast Asian Studies 309. doi:10.1017/S0022463407000069.

10 Nguyen Vu Hoang, 'Constructing Civil Society on a Demolition Site in Hanoi' in Hue-Tam Ho Tai and Mark Sidel (eds), *State, Society and the Market in Contemporary Vietnam: Property, Power and Values* (Routledge 2013) 88. doi:10.4324/9780203098318.

11 Civil Code of the Republic of Uzbekistan No 163-I (21 December 1995) [in Uzbek] <https://lex.uz/docs/-111189> accessed 8 July 2025.

12 Law of the Republic of Uzbekistan No ZRU-58 'On Mortgages' (4 October 2006) [in Uzbek] <https://cis-legislation.com/document.fwx?rgn=13815> accessed 8 July 2025.

inherited for individual housing or the operation of a peasant farm, may be pledged; (iii) unless otherwise stipulated by contract or law, a lessee is entitled to pledge leasehold rights arising from a real estate rental agreement; and (iv) under similar conditions, lease rights to a land plot may also be subject to pledge.[13]

Article 53 of the Land Code provides that, for the purpose of obtaining credit, a farmer may pledge not only his property but also leasehold rights to a land plot.[14] The farmer is entitled to pledge such rights without the consent of the lessor only in cases expressly established by law or by the terms of the lease agreement. Likewise, Article 13 of the Law "On Farming" designates the land plots allocated to a farmer's holding for a strictly defined purpose.[15] It prohibits farmers from privatising such plots and from selling, mortgaging, donating, exchanging, or subleasing them. Nevertheless, the right to lease a land plot may serve as collateral when a farmer seeks to obtain loans.[16]

These provisions demonstrate that Uzbekistan's legislation strikes a procedural balance between creditors and land users: foreclosure requires judicial authorisation, and disputes are resolved through established administrative and judicial channels. Such safeguards ensure that the economic function of land as collateral does not override procedural fairness—again, a dimension that Kazakhstan's regulatory practice lacks.

Although the institution of private ownership of agricultural land was introduced in Kazakhstan in 2003, only 1.3% of agricultural land is currently in private ownership.[17] In addition to granting the right to sell land-use rights, the legislator also allowed land users to pledge their rights as collateral for obtaining loans from second-tier banks. This mechanism was intended as a major step toward developing the land market and attracting financial resources into the economy. Theoretically, the ability to pledge land-use rights would enable farmers to obtain long-term financing, while banks would gain an additional guarantee of loan repayment.

However, the practical outcome has been different. Despite the legal framework, this mechanism has not demonstrated the expected effectiveness in activating agricultural land turnover. The reasons are largely procedural and institutional: legal uncertainty regarding

13 Abdurashid Altiev, 'Regulation of the System of Use of Land (2023) 7(Spes) Research in Agricultural & Veterinary Sciences 87.

14 Land Code of the Republic of Uzbekistan No 598-I (30 April 1998) [in Uzbek] <https://lex.uz/docs/-152653> accessed 8 July 2025.

15 Law of the Republic of Uzbekistan No 662-II 'On Farming' (26 August 2004) [in Uzbek] <https://test.lex.uz/uz/docs/-275195?ONDATE=26.12.2009> accessed 8 July 2025.

16 Altiev Abdurashid and Mahsudov Muhammadbek, 'Improvement of the Regulation Mechanisms of the Land Use Diversification' (2020) 12(4) International Journal of Pharmaceutical Research 668. doi:10.31838/ijpr/2020.12.04.110.

17 Ksenia Voronina, '1.3 Million Hectares of Agricultural Land are Privately Owned – Ministry of National Economy of the Republic of Kazakhstan' *Egemen Qazaqstan* (Astana, 6 April 2016) <https://kazpravda.kz/n/13-mln-ga-zemel-selhoznaznacheniya-nahodyatsya-v-chastnoy-sobstvennosti-mne-rk/> accessed 8 July 2025.

the status of pledged rights, lack of transparency in registration, limited judicial recourse, and insufficient administrative monitoring. As of today, 2,661 agricultural land plots—including those formed from conditional land shares—are under pledge in Kazakhstan, with a total area of approximately 4.1 million hectares.[18]

This situation gives rise to systemic problems affecting both the economic and legal sustainability of land use. First, the encumbrance of these plots through pledges often results in their de facto withdrawal from agricultural circulation, especially when borrowers default, and the land is transferred to banks, which are not agricultural actors. Consequently, land remains idle, violating Article 94 of the Land Code, which requires that land be used according to its designated purpose. Second, speculative pledging—when land users pledge rights without intent to repay—reflects the absence of institutional oversight and judicial deterrence mechanisms.

The coexistence of conflicting legal interests—state, land user, and bank—has exposed Kazakhstan's lack of effective remedial instruments. If local executive bodies (akimats) seize unused land under Article 94, banks, as bona fide pledge holders, are left without procedural standing to defend their interests. Conversely, when courts uphold creditors' claims, the state struggles to maintain its goal of rational land use. Unclear procedural coordination between administrative and civil jurisdictions further deepens this imbalance.

This conflict of interest demonstrates a structural weakness in access to justice. There is no comprehensive remedial pathway to reconcile public and private interests within a predictable legal process. Administrative procedures lack transparency, and litigation is slow, fragmented, and often ineffective. The result is a cycle of weak enforcement and declining trust in both judicial and administrative institutions.

The Chinese experience shows that the same legal concept—land-use rights—can function effectively when embedded in a transparent procedural system. In China, foreign investors may obtain land-use rights either directly from the state or from existing users. Under Order No. 55, the government may grant or allocate such rights, and land users who have legally acquired land-use rights from the state are permitted to transfer, lease, or pledge them. When land-use rights are pledged, the buildings and other attachments on the land must be pledged together, and registration of the pledge is essential for establishing the creditor's legal title. If the creditor obtains the land-use rights due to the pledger's insolvency, registration of the transfer is also required. This system ensures that all transactions are transparent, documented, and judicially reviewable—minimising disputes and protecting both public and private interests.[19]

18 Serik Sabekov, 'More than 2 thousand Agricultural Land Plots in Kazakhstan are Pledged' (*Kazinform News Agency*, 29 May 2023) <https://www.inform.kz/ru/bolee-2-tysyach-zemel-nyh-uchastkov-sel-hoznaznacheniya-v-kazahstane-nahodyatsya-v-zaloge_a4072476> accessed 8 July 2025.

19 'Obtaining Land-Use Rights for FIEs in China' (*China Briefing*, 19 February 2014) <https://www.china-briefing.com/news/obtaining-land-use-rights-for-fies-in-china/> accessed 8 July 2025.

By contrast, in Kazakhstan, the absence of uniform registration procedures, judicial oversight, and clear deadlines for administrative action has produced uncertainty and inefficiency. The state often resorts to ex post seizure or reallocation of land rather than preventive procedural control. As a result, the law formally allows market circulation of land-use rights, but the justice system does not yet ensure their enforceability or fairness in practice.

In conclusion, the Kazakh model exemplifies a situation where *formal rights exist without functional remedies*. The country's challenge is not the absence of economic tools, but the weakness of procedural institutions that should guarantee access to justice for all actors in land relations. Strengthening these mechanisms—through judicial review of administrative decisions, transparent registration systems, and consistent coordination between courts and executive bodies—is essential for transforming the current illusion of marketability into a genuine system of rights-based, fair, and sustainable land governance.

5 LAND POLICY: THE FAILED TRANSFORMATION INTO AN INVESTMENT-ATTRACTIVE ASSET

The 2015 amendments to the Land Code of the Republic of Kazakhstan represented the state's most ambitious attempt to transform agricultural land into an investment-attractive asset and to integrate it into a fully functioning market. Adopted on 2 November 2015,[20] the reform aimed to liberalise land relations, increase the efficiency of land use, and create incentives for long-term investment in the agricultural sector.[21] One of its central provisions was the granting of private ownership of agricultural land to citizens of Kazakhstan and legal entities without foreign participation, while allowing foreign entities to lease land for up to 25 years. The rationale behind this decision was to attract investment, modernise agricultural infrastructure, and improve productivity.

Formally, the reform sought to emulate the land governance models of developed European states such as Germany, Poland[22] and the United States,[23] where private ownership and long-term leases coexist with strong administrative oversight and

20 Law of the Republic of Kazakhstan No 389-V 'On Amendments and Additions to the Land Code of the Republic of Kazakhstan' (2 November 2015) [in Kazakh] <https://online.zakon.kz/Document/?doc_id=35597766> accessed 8 July 2025. The entry into force of this Law is suspended until December 31, 2026 by the Law of the Republic of Kazakhstan dated June 30, 2016 No. 5-VI.

21 Zafar Kurbanov, Nodir Djanibekov and Thomas Herzfeld, 'Land Property Rights and Investment Incentives in Movable Farm Assets: Evidence from Post-Soviet Central Asia' (2025) 67(1) Comparative Economic Studies 396. doi:10.1057/s41294-024-00251-z.

22 Liesbet Vranken and others, *Agricultural Land Market Regulations in the EU Member States* (EUR 30838 EN, Publications Office of the European Union 2021) doi:10.2760/86127.

23 Margaret Rosso Grossman, 'Agricultural Land Ownership in the United States' (2024) 1 CEDR Journal of Rural Law 25. doi:10.5281/zenodo.12155338.

procedural safeguards. In Germany, for instance, all transactions involving agricultural land require prior administrative approval from specialised land transfer authorities (*Genehmigungsbehörde*). These bodies assess whether the transaction might lead to excessive concentration or speculation and may refuse approval if it undermines the public interest in maintaining viable family farms.[24] Moreover, every party has the right to appeal such administrative decisions, and courts routinely review them for procedural legality. Poland follows a similar logic: while land ownership is open to private individuals, the *Agency for Agricultural Property* exercises a right of pre-emption (*prawo pierwokupu*) to prevent speculative concentration and to guarantee that agricultural land remains in the hands of active farmers. These procedural safeguards ensure both transparency and legitimacy of land turnover.[25]

By contrast, the 2015 reform in Kazakhstan was introduced without comparable administrative control or procedural mechanisms of appeal. Although the government promised open auctions and digitalised land registries, the process lacked meaningful public consultation or independent review. When Minister of National Economy Yerbolat Dossayev announced that agricultural land would be available for sale and that leases for foreigners would be extended from ten to twenty-five years, the public reaction was immediate and severe. Citizens perceived the reform as opaque, imposed from above, and threatening to national sovereignty. Protests broke out in Aktau, Aktobe, Uralsk, Semey, Almaty, and Astana. The scale of discontent revealed not only the population's fear of losing control over a strategic resource but also their frustration with the absence of procedural justice—there had been no consultation, no explanation, and no opportunity to challenge or even understand the new legal framework. As opposition leader Zauresh Battalova remarked, "What angered us most was the absence of communication. We knew nothing about the reforms."[26]

The mass protests that followed forced the government to suspend the law's implementation. In May 2016, President Nursultan Nazarbayev introduced a moratorium on the sale and lease of agricultural land, initially until the end of 2016, later extended until 31 December 2026.[27] This extraordinary measure functioned as a de facto

24 Luise Meissner, Lisa Kappenberg and Oliver Musshoff, 'An Analytical Framework for Evaluating Farmland Market Regulation: Examining the German Land Transaction Law' (2022) 11(10) Land 1759. doi:10.3390/land11101759.

25 Alina Źróbek-Różańska and Joanna Zielińska-Szczepkowska, 'National Land Use Policy against the Misuse of the Agricultural Land—Causes and Effects: Evidence from Poland' (2019) 11(22) Sustainability 6403. doi:10.3390/su11226403.

26 Akbikesh Mukhtarova, 'Land Commissions in Kazakhstan: The Problem of Civil Society Participation in Land Governance' (PhD thesis, Nazarbayev University Graduate School of Public Policy).

27 Decree of the President of the Republic of Kazakhstan No 248 'On the Introduction of a Moratorium on the Application of Certain Norms of Land Legislation' (6 May 2016) [in Kazakh] <https://online.zakon.kz/Document/?doc_id=39686875> accessed 8 July 2025; Dena Sholk, 'Kazakhstan's Land Reforms' (*The Diplomat*, 15 June 2016) <https://thediplomat.com/2016/06/kazakhstans-land-reforms/> accessed 8 July 2025.

acknowledgement that the reform's procedural legitimacy had collapsed. The episode demonstrated that the public rejection of the reform was not purely emotional but stemmed from a lack of access to participatory and remedial mechanisms that could have mediated conflict between the state and citizens.

Public anger was amplified by the visible inequality in land distribution and by weak judicial control over administrative decisions in the land sector. According to the 2010 statistical yearbook, large landholders with holdings exceeding 20,000 hectares accounted for only 7.8 percent of agricultural enterprises but controlled nearly 63 percent of all agricultural land—about 45.6 million hectares. If the 8.35 million hectares held by the largest peasant farms are added, the total land area held by large entities exceeds the territory of Germany and approaches that of Japan. Approximately 420 agricultural enterprises each possessed more than 20,000 hectares.[28] The concentration of such vast landholdings created structural inequality and eroded the sense of fairness in land allocation.

Here again, the contrast with Poland and Germany is revealing. In Poland, since the 2003 *Act on the Shaping of the Agricultural System*, buyers of farmland must meet strict eligibility criteria: they must be resident farmers actively engaged in agriculture, and the total area of their land cannot exceed statutory limits. Moreover, any sale of agricultural land triggers the state's pre-emption right, allowing authorities to intervene when the transaction risks excessive concentration.[29] In Germany, land transactions are likewise monitored through a dual control system combining administrative authorisation and judicial review, which ensures both efficiency and procedural justice.[30] In Kazakhstan, however, land concentration progressed with little oversight, as neither administrative nor judicial bodies were institutionally equipped to prevent the accumulation of land or to review allocation decisions transparently.

The failure of the 2015 reform thus lay not in its economic objectives but in its procedural deficiencies. Unlike Germany or Poland, where land governance relies on transparent, rule-based systems and enforceable appeal mechanisms, Kazakhstan attempted to liberalise the land market without first building a procedural architecture of accountability. The lack of consultation, weak administrative control, and limited judicial remedies turned a technical reform into a political crisis.

The government's response was reactive rather than systemic. The 2015 amendments were suspended, and for several years (2016–2020), land reform effectively remained frozen. The issue resurfaced only after 2021, under the presidency of Kassym-Jomart Tokayev, who sought to rebuild the legitimacy of land governance through a new legal and institutional

28 Arman Jacob, 'Latifundists of Kazakhstan' *Kursiv* (Almaty, 20 October 2016) 1.

29 Renata Marks-Bielska, 'Conditions of Agricultural Land Prices Development in Poland' (2018) 2(1) Agrofor 109. doi:10.7251/AGRENG1701109M.

30 Fabian Thiel, '"Property Entails Obligations": Land and Property Law in Germany' (2011) 1 European-Asian Journal of Law and Governance 78.

framework. The Law "On Amendments and Additions to Certain Legislative Acts on Land Relations", signed in 2021, explicitly prohibited foreign ownership and use of agricultural land by foreigners, foreign legal entities, and companies with foreign participation.[31] This categorical ban resolved the immediate controversy but also reaffirmed that land reform in Kazakhstan must proceed within clear procedural boundaries and public consensus.

The 2022 constitutional reform deepened this institutional correction by declaring that land, subsoil, water, flora and fauna, and other natural resources belong to the people, with ownership exercised on their behalf by the state. This constitutional shift was not merely symbolic; it reframed land as a public trust subject to procedural fairness and equitable distribution.

At the same time, new empirical challenges emerged. To combat excessive land concentration, the government established the "Zher Amanaty" (Land Trust) commission in March 2022.[32] In less than three years, the Commission restored state control over more than 10.8 million hectares of agricultural land and has already redistributed approximately three million hectors among the population.[33] Furthermore, in January 2023, the government introduced maximum thresholds for agricultural land holdings, differentiated by region and land type, to prevent latifundia and ensure equal access to resources.[34] These reforms moved Kazakhstan closer to the procedural logic of Poland's and Germany's systems, where the prevention of excessive concentration is enforced not through moratoria but through transparent, rule-based control mechanisms.

The Kazakh experience also resonates with that of Ukraine, which maintained a moratorium on the sale of agricultural land for nearly two decades. In Ukraine, the prolonged ban politicised land reform, fostered shadow transactions, and weakened institutional trust, demonstrating that prohibitions without procedural alternatives lead to stagnation rather than stability. Only after introducing transparent valuation, pre-emption rights, and digital cadastral registration did Ukraine begin to restore public

31 Law of the Republic of Kazakhstan No 59-VII 'On Amendments and Additions to Certain Legislative Acts on Land Relations' (30 June 2021) [in Kazakh] <https://adilet.zan.kz/kaz/docs/Z1100000464> accessed 8 July 2025.

32 'The Hotline on Land Issues Was Opened by the Commission "Zher Amanaty"' (*Amanat*, 7 July 2022) <https://amanatpartiasy.kz/news/news-detail/293421?lang=kz> accessed 8 July 2025.

33 Asel Ibadullayeva, '"Zher Amanat": Nearly 11 million Hectares of Land Returned to the State' *Liter* (Astana, 30 August 2024) <https://liter.kz/zher-amanaty-pochti-11-mln-ga-zemli-vozvrashcheno-gosudarstvu-1725521189/> accessed 9 July 2025.

34 Resolution of the Government of the Republic of Kazakhstan No 42 'On Approval of Maximum Sizes of Agricultural Land Plots by Type of Agricultural Land Within the Republic and Within a Single Administrative District (City), Region, that May be Held Under Temporary Land-Use Rights by Citizens of the Republic of Kazakhstan for Peasant or Farm Enterprises, as Well as by Non-State Legal Entities of the Republic of Kazakhstan Without Foreign Participation and their Affiliates for Agricultural Production' (25 January 2023) [in Kazakh] <https://adilet.zan.kz/kaz/docs/P2300000042> accessed 8 July 2025.

confidence. The lesson is that access to justice in land relations is achieved not through restriction but through procedural openness.[35]

Ultimately, the 2015 reform in Kazakhstan failed because it treated land as a purely economic asset while neglecting the procedural dimension of justice. The subsequent policy shift—embodied in the "Fair Kazakhstan" initiative and the activities of the Zher Amanaty commission—signals a gradual recognition that fairness, participation, and transparency are the essential conditions of legitimate land governance. In contrast to the German and Polish models, where rule-based procedures ensure both efficiency and social legitimacy, Kazakhstan's earlier approach relied on administrative discretion and post hoc correction through moratoria. Sustainable reform will require institutionalising the principles of procedural justice: public consultation before the adoption of laws, administrative review of allocation decisions, and judicial oversight of both state and private transactions. Only then can the country transform agricultural land from a politically sensitive and contested resource into a genuinely fair, secure, and investment-attractive asset.

6 JUDICIAL AND ADMINISTRATIVE REMEDIES AS A DRIVER OF FARMLAND TURNOVER

Access to justice in land relations entails a structured hierarchy of complementary remedies combined with reasonably predictable procedural horizons. At the pre-litigation stage, instruments such as a substantiated claim directed to the competent authority or contractual counterparty, as well as mediation procedures, serve as effective mechanisms to clarify the scope of the dispute, set out a plan for remedial measures, and establish a timetable for compliance.

Once the matter proceeds to adjudication, two principal avenues of judicial protection can be distinguished. The first lies in the sphere of administrative justice,[36] where parties may contest non-regulatory acts, actions, or omissions of public authorities, typically seeking a declaration of illegality, annulment, or an order compelling the authority to perform a legally required act. The second avenue is grounded in civil law,[37] encompassing claims for recognition of real and contractual rights in land, orders to conclude or register agreements, removal of encumbrances, invalidation of transactions with corresponding restitution, and

35 Mykola Koroteyev and others, 'Prospects for the market turnover of agricultural land in Ukraine' (2017) 15(2-2) Problems and Perspectives in Management 344. doi:10.21511/ppm.15(2-2).2017.04.

36 Yerik Akhmetov and Bergengul Ahmet, 'Application of the Principle of Active Role of Courts in Proving an Administrative Case in Kazakhstan' (2024) 70(1) Osteuropa Recht 92. doi:10.5771/0030-6444-2024-1-92.

37 Ermek B Abdrasulov and Bagila T Tleulesova, 'Constitutional Control Body of the Republic of Kazakhstan on Issues Regarding the Conception of Property, the Equality of State and Private Property' (2024) 70(1) Osteuropa Recht 29. doi:10.5771/0030-6444-2024-1-29.

recovery of damages or unjust enrichment. Within this procedural framework, interim relief plays a pivotal role, including injunctions suspending registration actions, prohibiting auctions, or staying enforcement of contested decisions, thereby preserving the status quo pending adjudication on the merits.

The temporal dimension of access to remedies is equally significant: administrative claims are typically subject to short special limitation periods—often around one month from the moment the violation becomes known, unless a specific statute prescribes otherwise—while the standard three-year statute of limitations generally governs civil claims. Challenges to auctions and tender procedures are usually constrained to a narrow window of 10 to 30 days. The range of potential legal outcomes is correspondingly diverse, extending from annulment of the impugned administrative act, through orders requiring authorities to register rights, enter cadastral data, or allocate plots, to judicial recognition of rights coupled with mandatory registration, as well as declarations of unlawful administrative inaction with court-imposed deadlines for compliance. In the civil sphere, outcomes also include restitution and compensation of damages in cases where transactions are declared void. Collectively, these layers of administrative and judicial remedies provide the remedial infrastructure through which the integrity of land relations and the circulation of agricultural land are maintained.

***Table* 1. Remedies in Land Relations: Jurisdiction, Objectives, Deadlines, and Possible[38]**

Remedy	Jurisdiction	Objective	Filing Deadline	Possible Outcome
Mediation	Mediator	Pre-trial settlement	Before the expiration of the limitation	Voluntary rectification, settlement agreement
Administrative claim	Specialised administrative court	Annulment or compulsion of an administrative act	1 month	Annulment, mandatory order, enforcement control
Civil claim	Civil court	Recognition of rights, compulsion to perform	3 years	Recognition of right
Prosecutorial intervention	Prosecutor's office	Protection of the public interest	No specific deadline	Protest / submission

38 The table was created independently by the authors, based on the current legislation of the Republic of Kazakhstan.

Remedy	Jurisdiction	Objective	Filing Deadline	Possible Outcome
Constitutional complaint	Constitutional Court	Normative review	No deadline	Annulment of an unconstitutional provision

The practical logic of these remedies becomes most apparent when illustrated through generalised fact patterns. In cases where a land plot is subject to expropriation for alleged "non-use," despite the existence of a bank's security interest in the leasehold right, an effective litigation strategy combines an administrative claim challenging the expropriation decision—focusing on evidence of actual land use and the procedural standards applied in the inspection—with parallel civil claims against the lessee seeking rectification of contractual breaches, all reinforced by an application for interim relief prohibiting registration actions. The typical outcome is a suspension of the expropriation pending judicial review, followed by a renewed administrative examination that takes into account agronomic evidence, thereby preserving the mortgagee's rights until a final resolution is reached.

The comparative perspective of Germany illustrates a stable model of public oversight of transactions involving agricultural and forest land, while at the same time preserving the principle of private autonomy in property circulation.[39] The Federal Land Transactions Act (GrdstVG) requires administrative approval for the alienation of agricultural and forest land; refusal of consent may be issued, inter alia, in cases of "unhealthy distribution of land," "uneconomic fragmentation," or a "gross disparity" between price and value (§ 9 GrdstVG).[40]

The supplementary Land Lease Transactions Act (LPachtVG) introduces a notification and supervisory regime for agricultural lease agreements.[41] Enforcement is carried out both through sectoral authorities at the Länder level and through judicial administrative review. Scholarly literature emphasises that, in comparative perspective, the German regime remains relatively liberal compared to several other EU Member States, yet retains targeted instruments designed to prevent adverse structural shifts and speculative price dynamics. These findings are corroborated by official legal sources as well as peer-reviewed publications, which consistently describe the GrdstVG as a foundational instrument of "fine-tuning" the land market in the interest of preserving a sustainable agrarian structure.[42]

39 Meissner, Kappenberg and Musshoff (n 24).

40 Gesetz über Maßnahmen zur Verbesserung der Agrarstruktur und zur Sicherung land- und forstwirtschaftlicher Betriebe (Grundstückverkehrsgesetz - GrdstVG) (28 July 1961) <https://www.gesetze-im-internet.de/grdstvg/BJNR010910961.html> accessed 8 July 2025.

41 Gesetz über die Anzeige und Beanstandung von Landpachtverträgen (Landpachtverkehrsgesetz - LPachtVG) (8 November 1985) <https://www.gesetze-im-internet.de/lpachtvg/BJNR020750985.html> accessed 8 July 2025.

42 Vranken and others (n 22).

The Polish model, following the 2016 reforms, is characterised by an expanded framework of public control and a strong prioritisation of family farms in access to land.[43] The key legislative instrument in this regard is the Act on the Shaping of the Agricultural System,[44] among other provisions, the Act restricted the circle of eligible acquirers—centering on the "individual farmer" as defined by statutory qualification and residency criteria and subject to maximum area thresholds—introduced prohibitions on alienation within a prescribed period, and vested the National Support Centre for Agriculture (Krajowy Ośrodek Wsparcia Rolnictwa, KOWR) with rights of pre-emption and repurchase, as well as the authority to approve certain categories of transactions.[45]

Empirical studies published in peer-reviewed journals demonstrate that the intensification of interventionism in 2016 had a significant impact on the structure of land transactions, effectively reducing opportunities for speculative acquisitions.[46] Subsequent amendments adopted between 2019 and 2023 partially mitigated excessive barriers and refined the scope of application of the rules, while at the same time preserving the central role of the National Support Centre for Agriculture (KOWR) as the institutional bearer of the public interest.[47] Scholarly literature further emphasises the public-law character of control mechanisms (pre-emption and repurchase) and their impact on prices and land concentration, with the principles of protecting family farming serving as a systemic legislative rationale.

In a comparative perspective, Germany and Poland represent two sequential yet differently calibrated architectures of access to justice and legal protection in the field of agricultural land. The German system relies on a mandatory administrative "layer" of approvals for transactions involving agricultural land and leases (*GrdstVG/LPachtVG*), underpinned by clearly articulated refusal criteria and a developed framework of judicial review. Analytical reconstructions of this model suggest that its effectiveness depends on the transparency of the "unhealthy distribution" standard, the incorporation of broader economic considerations, and the timeliness of responses by the competent Länder authorities.[48] The Polish system, by contrast, institutionalises a more rigid public-law filtration of access to land—through requirements relating to purchaser status, residency, maximum holding size,

43 Bożena Karwat-Woźniak, Agnieszka Wrzochalska and Sylwia Łaba, 'Legal Conditions in Agricultural Land Trade in Poland' (2023) 29(1) Bulgarian Journal of Agricultural Science 21.

44 Ustawa o kształtowaniu ustroju rolnego (11 April 2003) <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20030640592> accessed 8 July 2025.

45 Hubert Kryszk, Krystyna Kurowska, and Renata Marks-Bielsk, 'Legal and Socio-Economic Conditions Underlying the Shaping of the Agricultural System in Poland' (2022) 14(20) Sustainability 13174. doi:10.3390/su142013174.

46 Agnieszka Stacherzak and others, 'State Interventionism in Agricultural Land Turnover in Poland' (2019) 11(6) Sustainability 1534. doi:10.3390/su11061534.

47 Jerzy Bieluk, 'Kilka uwag o nowelizacji ustawy o kształtowaniu ustroju rolnego z 23 lipca 2023' (2023) 31(2) Przegląd Prawa Rolnego 25. doi:10.14746/ppr.2023.33.2.2.

48 Benjamin Davy, 'The German Verkehrswert (Market Value) of Land: Statutory Land Valuation, Spatial Planning, and Land Policy' (2024) 136 Land Use Policy 106975. doi:10.1016/j.landusepol.2023.106975.

and prohibitions on early resale—while vesting core powers in the National Support Centre for Agriculture (KOWR), including rights of pre-emption, repurchase, and transactional approval.[49] The amendments adopted between 2019 and 2023 illustrate an ongoing search for balance between the protection of family farms and the need for greater economic flexibility in the land market.[50]

For the design of remedial instruments and procedures for reviewing regulatory decisions under such regimes, several elements are of critical importance: the normative specification of refusal grounds accompanied by mandatory reasoning; meaningful timeframes and standards for both administrative and judicial review; a symmetrical consideration of public objectives—such as the prevention of excessive land concentration and the promotion of sustainable land use—alongside the protection of private rights, including creditors' security interests in leasehold rights; and, finally, the digitalization of cadastral systems and the transparency of registration practices, both of which reduce transaction costs and minimize the risk of judicial error.

7 CONCLUSIONS

The legal regulation of agricultural land turnover in the Republic of Kazakhstan represents a complex and ongoing transformation from an administrative-planned model to a market-oriented one, marked by persistent institutional, economic, and legal challenges. Despite the existence of formal legal mechanisms – such as the right to sell or pledge land use rights – these instruments have not evolved into fully functional market levers capable of effectively integrating agricultural land into economic circulation. In practice, the exercise of land use rights remains more formal than functional, revealing the incompleteness of land reform and the limited effectiveness of the current regulatory model.

The key obstacles include legal uncertainty surrounding transactions involving land use rights, the absence of unified registration standards, low market demand, and a general lack of trust in institutions. The issue of pledged agricultural land is particularly acute: approximately 4.1 million hectares in Kazakhstan are under pledge, much of which is unused, leading to de facto withdrawal from agricultural turnover, decreased productivity, and risks to financial stability. The unsuccessful 2015 reform—triggering mass protests—highlighted the importance of procedural legitimacy, transparency, and public participation. The subsequent creation of the Zher Amanaty Commission (2021–2022), which returned over 10 million hectares to state ownership, became a response to social demand for fairness and accountability.

49 Barbara Kutkowska and Bożena Tańska-Hus, 'Changes in the Agricultural Land Market in Poland after 2004' (2022) 24(2) Annals PAAAE 55. doi:10.5604/01.3001.0015.8642.

50 Katarzyna Sobolewska-Mikulsk and others, 'Models of Farms in Spatial Terms in Sustainable and Multifunctional Development of Rural Areas in Poland' (2024) 32(3) Sustainable Development 2325. doi:10.1002/sd.2785.

The experience of Kazakhstan demonstrates that legal formalisation alone cannot ensure sustainable land governance without procedural justice and effective access to remedies. In this regard, comparative insights from Germany and Poland offer valuable benchmarks.

In Germany, all transactions involving agricultural land are subject to prior administrative approval (*Genehmigungspflicht*) to prevent excessive concentration and ensure fair market participation. The administrative authority's decisions are subject to judicial review, safeguarding both procedural fairness and public confidence.

Poland's legal framework provides another model of balancing market efficiency with procedural safeguards. Through the Agricultural Property Agency (KOWR), the state exercises a statutory pre-emption right (*prawo pierwokupu*), enforces maximum size limits, and ensures access to administrative and judicial appeals.[51] These mechanisms not only prevent land monopolisation but also maintain procedural equality among market participants – elements that are still underdeveloped in Kazakhstan's system.

The contrast suggests that Kazakhstan's challenges lie not in the absence of legal instruments but in their weak procedural embedding. The 2015 reform lacked the transparent administrative review and appeal mechanisms that underpin legitimacy in Germany and Poland. Consequently, the absence of procedural justice led to social resistance and political rollback, transforming an economic reform into a crisis of institutional trust.

Kazakhstan's land policy requires a shift from formal legality toward substantive access to justice. The reform of agricultural land turnover should prioritise the introduction of transparent allocation procedures, enforceable administrative remedies, and judicial oversight mechanisms.

Key measures may include:

- strengthening administrative appeal processes for land allocation and withdrawal decisions;
- establishing independent review bodies to monitor compliance with land use obligations;
- integrating digital transparency tools (public cadastral registries, online lease auctions, civic monitoring platforms);
- enhancing public participation and consultation in legislative and policy processes.

At the same time, Kazakhstan should maintain safeguards against speculative resales, degradation, and foreign control over strategic land resources. The challenge is to balance economic efficiency with procedural fairness – transforming land regulation from a tool of control into an instrument of justice.

51 Marks-Bielska (n 29).

The turnover of agricultural land in Kazakhstan cannot be viewed solely through an economic lens. It embodies deeper questions of national sovereignty, social equity, and public legitimacy. The current model of restricted turnover—where private ownership exists in law but is constrained in practice—reflects a transitional state between administrative control and market governance.

The comparative experience of Germany and Poland underscores that sustainable land markets require more than ownership rights – they depend on the institutionalisation of procedural justice, access to remedies, and transparent governance. Embedding these principles within Kazakhstan's evolving legal framework would help restore public trust, attract responsible investment, and ensure that agricultural land serves not only as an economic asset but also as a foundation of equitable and sustainable development.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

ВІД ДОСТУПУ ДО СТАГНАЦІЇ: ПРАВОВІ ТА ІНСТИТУЦІЙНІ ПЕРЕШКОДИ ДЛЯ ОБІГУ СІЛЬСЬКОГОСПОДАРСЬКИХ ЗЕМЕЛЬ У КАЗАХСТАНІ

Алішер Ібраєв*, Назгуль Ібраєва, Анор Мукашева, Мереке Журунова та Саулет Кожахметова

АНОТАЦІЯ

Вступ. *У цій статті досліджується еволюція та сучасний стан правового регулювання обігу сільськогосподарських земель у Республіці Казахстан крізь призму доступу до правосуддя. У ній стверджується, що стагнація реформи сільськогосподарських земель є не просто результатом економічної неефективності чи законодавчої непослідовності, а проявом системних процедурних недоліків, які перешкоджають справедливій участі, прозорості та ефективним засобам правового захисту в управлінні земельними ресурсами. Досліджуючи траєкторію пострадянських реформ — від Указу Президента 1995 року «Про землю» та Земельного кодексу 2003 року до призупиненої реформи 2015 року та подальшої ініціативи «Zher Amanaty» — дослідження показує, як відсутність процедурних гарантій та змістовних громадських консультацій підірвала як функціональність ринку, так і інституційну легітимність.*

Методи. *Стаття об'єднує порівняльні дослідження Німеччини та Польщі для оцінки правової бази Казахстану порівняно з усталеними європейськими моделями процедурної справедливості у земельних відносинах. У Німеччині адміністративне схвалення та судовий контроль забезпечують прозорість та запобігають надмірній концентрації, тоді як у Польщі переважне право на купівлю земель та законодавчі обмеження розміру земельної ділянки згідно із «Законом про формування сільськогосподарської системи» захищають право на рівний доступ для фермерів. Ці системи є прикладом того, як доступ до правосуддя здійснюється за допомогою адміністративних і судових механізмів, забезпечуючи баланс між ринковою ефективністю та соціальною справедливістю — принципи, які залишаються недостатньо розвиненими в Казахстані.*

Результати та висновки. *Спираючись на правовий, інституційний та емпіричний аналіз, зокрема дані про заставлені сільськогосподарські землі, концентрацію володінь та результати реституції за програмою «Zher Amanaty», дослідження демонструє, що механізми обігу земель у Казахстані залишаються здебільшого формальними та недостатньо застосованими. У статті було зроблено висновок, що майбутнє земельної реформи залежить від впровадження процедурної справедливості на всіх етапах управління земельними ресурсами – через прозору адміністративну процедуру, ефективний судовий контроль та інклюзивну участь громадськості. Посилення цих елементів не лише розширить доступ до засобів правового захисту та інституційну довіру, але й перетворить сільськогосподарські землі з суперечливого політичного ресурсу на основу для справедливого та сталого розвитку.*

Ключові слова. *Сільськогосподарські землі, обіг земель, правове регулювання, Казахстан, ринок землі, земельна реформа, права землекористування, процедурна справедливість, судові засоби правового захисту, адміністративна процедура.*