

ABSTRACT

**Dissertation for the Degree of Ph.Dissertation (PhD) in the Specialty 6D030100,
“Jurisprudence”**

By BOTAGOZ SEIDALYEVNA SHANSHARBAYEVA

**“Theoretical and practical issues of applying administratively legal enforcement
for land law breach of the Republic of Kazakhstan”**

Research rationale. This is known that the land is a special object of legal regulation. So the legal regulation of the relations in land law covers first of all rational and careful handling, safeguarding of lawful rights of landowners and land-users for future generations. Therefore, legal state regulation of land matters shall on one hand accommodate the interests and rights of the society that involve protection and preservation land as our main fortune for future generations and on the other hand respect the interests and rights of the citizens who own the land plots and land-owners.

Research that cover theoretical aspects of administrative enforcement for land law breach is necessary and of immediate interest today when the process of revising the methods of state enforcement and mandatory influence towards persons of disorderly behavior takes place.

The topic rationale is undisputable within the context of the tasks set forth before the country in the annual message of the President. In the message of the President of the country Kassym-Jomart Tokayev to the people of Kazakhstan "Constructive public dialogue is the basis of stability and prosperity in Kazakhstan" on September 2, 2019, a number of tasks are set aimed at the further development and prosperity of our society. One of them is to ensure the rights and security of citizens. As noted in the Address to the people of Kazakhstan, “The key factor in strengthening the protection of the rights of citizens and their security are deep reforms of the judicial and law enforcement systems. It is necessary to take a number of serious measures to improve the quality of court decisions. Judge's right to make a decision. Based on the law and inner convictions, it remains unshakable. However, a thorough analysis of court decisions should be carried out, to ensure the uniformity of judicial practice. In public law disputes, citizens often find themselves in unequal conditions when appealing against decisions and actions of authorities. Their capabilities are incomparable with the resources of the state apparatus. Therefore, it is necessary to introduce administrative justice as a special mechanism for resolving disputes, leveling this difference. Henceforth, when resolving disputes, the court will have the right to initiate the collection of additional evidence, the responsibility for the collection of which will fall on the state body, and not on citizens or business. All contradictions and ambiguities in the legislation should be interpreted in favor of citizens”.

Indeed, an analysis of the activities of state bodies to ensure compliance with land legislation and prosecution for land violations showed that in the system of state bodies there is no clear division of powers in administrative proceedings in the field of land relations. In this regard, cases of violation of administrative proceedings in cases of land offenses and mistakes made by officials of authorized bodies in the field of land

relations are often observed. At another point, there has been an increase in appeals against actions and decisions of the relevant state bodies and their officials.

Therefore, in the light of the Address of the President of the country to the people of Kazakhstan, it is more than relevant to solve the problems associated with the jurisdictional activities of state bodies in the field of land legal relations. The problems currently in this area include:

- 1) the presence of a large number of by-laws, regulating the use of coercive measures by state bodies;
- 2) the inaccuracy and incorrectness of the wording in the by-laws governing the use of coercive measures by state bodies;
- 3) the presence of contradictions in various subordinate normative legal acts regulating the use of coercive measures by state bodies;
- 4) the presence of a large number of by-laws, regulating the use of coercive measures by state bodies;
- 5) the inaccuracy and incorrectness of the wording in the by-laws governing the use of coercive measures by state bodies;
- 6) non-regulation by administrative legislation of proceedings on administrative-legal disputes.

Along with this, the practice of using land resources indicates that the use of land, even by owners, is not always carried out carefully, rationally and efficiently. So, in the Consolidated analytical report on the state and use of land in the Republic of Kazakhstan for 2018, land degradation in Kazakhstan is confirmed. Among the causes of degradation are both natural factors and man-made factors, i.e., irrational use of land resources by humans. On significant areas of the state, as a result of human activity, the soil and vegetation cover is polluted with heavy metals, oil products and complex organic substances as a result of emissions from industrial enterprises and transport. The most dangerous contamination is radioactive. As noted in the said Report, 6 large uranium-bearing provinces in Kazakhstan and many small deposits and ore occurrences of uranium increase the level of natural radioactivity. In addition, vast territories of Kazakhstan have suffered from the activities of military training grounds. Four military test sites and the Baikonur complex are currently operating in Kazakhstan. According to the land balance data as of November 1, 2018, there are 248.42 thousand hectares of disturbed lands in the republic, on which dumps of overburden and rocks, tailing dumps, ash dumps, quarries of coal and mining, oil fields and barns are located. Moreover, the largest number of disturbed lands is located in Aktobe, Akmola, East Kazakhstan, Karaganda, Kostanay, Mangistau, Pavlodar regions.

All these problems are put at the forefront of the solution of the land issue by the leadership of our state. Thus, in the annual message of the President of the country to the people of Kazakhstan, when defining the tasks of building a developed and inclusive economy, it is directly noted: "... our task is to ensure the effective use of land. The issue of inefficient use of land resources is becoming more and more urgent. The situation is compounded by the low level of direct taxes on land.

Many of those who have received the right to lease land for free from the state keep the land for future use without working on it. A whole layer of so-called

"latifundists" has formed in the country. They behave like a dog in the manger. It's time to start withdrawing unused agricultural land. Land is our common wealth and should belong to those who work on it. The government and parliament should propose appropriate mechanisms."

In ensuring the rational and efficient use of lands and their protection, the legal responsibility provided for by the relevant legislation plays an important role. The effective application of legal liability measures will ensure the efficient use of land in economic turnover. Currently, in Kazakhstan, the treatment and use from land is not always carried out in accordance with the law. There is an illegal occupation of land plots, their use for other purposes, careless handling of land, damage and pollution of land.

The most typical liability for land violations is administrative liability. The system of measures of administrative responsibility should not only ensure the punishment of those who violated the procedure for handling land established by the land law, but also prevent the possibility of committing land offenses. But, as practice shows (which we will talk about below), the system of measures of administrative responsibility for land offenses does not achieve the set goal, offenders, paying fines established by administrative legislation, continue to violate land legislation.

Along with the above, the study showed that the system of measures of administrative responsibility for land offenses established by the land and administrative legislation of the Republic of Kazakhstan does not meet the requirements of the time and requires improvement. In the current administrative legislation of the Republic of Kazakhstan, measures of administrative responsibility for land offenses are dispersed in different compositions of administrative offenses. In addition, the ratio of administrative and legal responsibility and land legal responsibility for land violations has not been sufficiently studied.

Along with this, it is necessary to systematize land offenses, for example, offenses in the field of use, management, protection of land.

The study of the issues of bringing to administrative responsibility and coercion for land offenses made it possible to identify several of the most pressing problems.

One of the important problems in the legal regulation of land relations is the imperfection of the norms of the current legislation related to the application of measures of administrative responsibility and bringing the perpetrators to administrative responsibility for committed land offenses. In the theory of land law, there is practically no scientific analysis and understanding of issues related to bringing to administrative responsibility and coercion for offenses in the field of land relations.

Certain scientific studies on this issue do not reveal the essence of the issue and do not give a clear understanding of the content, limits and procedure for bringing to administrative responsibility and coercion for violations of land legislation. Most of the studies of administrative offenses of land legislation are burdened with environmental or administrative content. Therefore, researchers lose sight of the fact that the land, as a special object of unlawful encroachment, has features characteristic only of it.

Summarizing the problems, let us single out the main ones. In our opinion, both in the administrative-legal science and in the science of land law, such issues as: the

features and specifics of administrative responsibility for land offenses have not been practically investigated; the ratio of measures of land legal responsibility and measures of administrative and legal responsibility for land violations; the specifics of the application of administrative responsibility and coercive measures for administrative land offenses.

All of the above problems confirm the relevance of the topic under study and indicate the need for a comprehensive study of the problems of administrative coercion in the field of land relations.

The scientific novelty of the presented dissertation work is determined by the fact that the dissertation research theoretically substantiates and discloses the legal, social, economic and other prerequisites for the implementation of the institution of administrative and legal coercion for violation of land legislation and for the first time at the monographic level their analysis is carried out.

The scientific novelty of the presented dissertation work is also due to the fact that for the first time in the legal science of the Republic of Kazakhstan, a theoretically substantiated definition of the concept of the institution of administrative and legal coercion for violation of land legislation is given.

In the dissertation research, the institute of administrative and legal coercion for violation of land legislation is considered as an independent and comprehensive legal institution, equally interacting with all other legal institutions and state bodies that guard the protection of land law and order and the protection of the rights and freedoms of a person who is the owner of a land plot or land user.

As a result of the study, a well-grounded idea is proposed for the systematization of norms on administrative responsibility for land offenses. The study proved the inexpediency and ineffectiveness of allocating special land legal responsibility and the need to include special land legal responsibility - the seizure of a land plot for land violations in the administrative code of the Republic of Kazakhstan as a measure of administrative responsibility for violation of land legislation.

Theoretically substantiated proposals are presented for improving Kazakhstani legislation regulating the procedure for applying administrative and legal coercion measures for violation of land legislation.

The degree of elaboration of the research topic. Conceptual and theoretical substantiation of the issues of implementation of the institution of administrative and legal coercion for violation of land legislation requires a special approach in modern conditions. The peculiarity of these issues lies in the complex legal regulation of the relevant relations. Land legal relations in themselves are special due to the peculiarities of the object of land relations - land. Therefore, when developing normative legal acts governing land relations, including relations on the application of measures of administrative and legal coercion for violation of land legislation, a sufficient theoretical development of the conceptual provisions of the institution in question is required.

It should be noted that in recent years, researchers have shown interest in the problems of administrative liability for violation of land legislation both in the Republic of Kazakhstan and in neighboring countries. Since the topic of our

dissertation research is cross-sectoral in nature, it was also studied by scientists in the field of administrative law and scientists in the field of land law.

In addition, the problems of responsibility and, in particular, coercion for violation of land legislation were investigated from the standpoint of criminal and civil law. However, the analysis of the legal literature on the issues of administrative and legal coercion for violation of the land legislation of the Republic of Kazakhstan showed that too little attention is paid to these issues in Kazakhstani legal science. Note that there are no comprehensive studies on the issues we are studying in Kazakhstan.

If we consider the geography of research into the problems of administrative responsibility and coercion for violating land legislation, then in the post-Soviet space there is a greater interest in such problems and issues than in non-CIS countries. A great interest in land legal relations and administrative responsibility for land offenses in post-Soviet countries is due to a common historical past and the construction of market relations in the land sphere through trial and error and our own experience of legal regulation of land relations. Therefore, in the presented dissertation research, the theoretical positions of scientists of the post-Soviet space and the experience of legislative regulation of land relations and administrative-legal coercion for violation of land legislation are more studied than the legal solution of such problems in foreign countries.

In the course of our research, we studied fundamental research in the field of administrative responsibility of such Russian scientists as: A.B. Agapova, A.A. Ageeva, A.P. Alekhina, D.N. Bakhrakha, S.N. Bratanovsky, V.M. Gorsheneva and others. Note that in the Russian Federation a number of dissertations were defended on the topic under study. Among them are M.V. Kocherga on the topic "Administrative offenses for land offenses: problems of legal regulation and practice of law enforcement" (2008);

В ходе нашего исследования нами были изучены фундаментальные исследования в области административной ответственности таких российских ученых, как: А.Б. Агапова, А.А. Агеева, А.П. Алехина, Д.Н. Бахраха, С.Н. Братановского, В.М. Горшенева и др. Отметим, что в Российской Федерации были защищены ряд диссертаций по исследуемой теме. В их числе диссертации М.В. Кочерга на тему «Административные правонарушения за земельные правонарушения: проблемы правового регулирования и практики правоприменения» (2008 г.); M.V. Simakov "Administrative and legal mechanism for counteracting offenses in the field of land relations" (2012); Yu.P. Amelin "Administrative responsibility for offenses in the field of land relations" (2010); D.V. Spiridonov "Specifics of legal liability for violation of subsoil legislation" (2014); E.S. Karpova "Administrative responsibility for land violations" (2017). The problems of administrative responsibility for violation of land legislation were also considered by Russian scientists in the field of land and environmental law. Among them, O.V. Izmailov, M.V. Simakov, G.A. Aksenienka, A.P. Anisimov, S.A. Bogolyubov, M.M. Brinchuk, M.M. Boltanova, N.T. Osipov and others.

In the dissertation research, we conducted a comparative legal analysis of the legislation of the neighboring countries and Kazakhstan, which regulates the procedure

for the application of measures of administrative coercion for violation of land legislation. This was done due to the fact that some CIS countries (Russia, Belarus, Lithuania, etc.) have made significant progress in the regulation of land legal relations. Our joint history, connected with the solution of many land problems that our countries are facing at present, allow us to use the experience of these states.

Certain issues of administrative and legal responsibility for violation of land legislation were studied by such scientists as: A.V. Shidlovsky, A.S. Krivonoshchenko "Administrative and legal support of environmental safety in the Republic of Belarus" (2014); S.A. Starovoit "Administrative and legal measures to ensure property rights of individuals and legal entities in the Republic of Belarus" (2015); O.N. Kovaleva, O. Ch. Yakovitsky, A.A. Kosenko "Legal regulation of the implementation of measures of administrative coercion" (2014), etc. Certain issues of administrative and legal responsibility for violation of land legislation were studied by N.V. Klebanovich, N.V. Kovalchik "Fundamentals of Land Legislation and Law" (2008).

Along with the study of theoretical studies and current legislation regulating administrative and legal coercion for violation of land legislation in post-Soviet countries, the features of legal regulation of administrative coercion for land offenses in European countries were studied. Research of the legal regulation of land relations in general and the issues of liability for land offenses were carried out by such scientists as Peter Sparks "European Land Law" (2007), Babette Vermann "Land Management in Eastern Europe and the CIS". Such scientists as M. Riekkinen and others were engaged in the problems of ensuring and protecting the rights to land of persons who are indigenous on the territory of the state.

Since the area of this research concerns administrative and legal coercion for violation of the land legislation of the Republic of Kazakhstan, the works of Kazakhstani scientists-researchers were subjected to scientific study and analysis. The theoretical aspects of administrative and legal responsibility are presented in the works of famous Kazakhstani scientists: B.A. Zhetpisbaev: "The genesis of administrative offenses of minors and measures to combat them" (Almaty, 2001), "Administrative responsibility in the Republic of Kazakhstan" (Almaty, 2000), "Administrative process: Proceedings on cases of administrative offenses in the Republic of Kazakhstan" (Almaty, 2002), "Theoretical problems of administrative and legal coercion in the Republic of Kazakhstan" (Almaty, 2006) and others; A.A. Taranov: "Administrative responsibility in the Republic of Kazakhstan" (Almaty, 1997); "Administrative law of the Republic of Kazakhstan" (Almaty, 2003); "Proceedings on cases of administrative offenses in the Republic of Kazakhstan" (Almaty, 2005), etc. ; A.E. Zhatkanbaeva: "The legislation of the Republic of Kazakhstan on administrative responsibility" (Almaty, 2002), etc. ; M.I. Zhumagulov: "Administrative and legal coercion in the Republic of Kazakhstan and the Russian Federation (theoretical and legal issues) (Almaty, 2010), "Legal bases of administrative coercion" (Nur-Sultan, 2019), etc.

Note that the monograph of M.I. Zhumagulov "Legal foundations of administrative coercion" (2019) is directly related to the topic of our dissertation and is devoted to a comprehensive analysis of theoretical and legal problems of the

development of the institution of administrative coercion. The author pays great attention to the study of the legal nature and place of administrative coercion in the system of state coercion, its role in the improvement and development of social relations. The monograph describes in detail the system of measures of administrative and legal coercion: administrative preventive measures, administrative suppression, administrative penalty and administrative and restorative measures. One of the sections is devoted to the issues of administrative procedural support of administrative coercion. The value of the work also lies in the study of foreign experience in the use of administrative and legal coercion and its application in the Republic of Kazakhstan.

Also, the dissertation of E.Sh. Rakhmetov on the topic "Theoretical and legal problems of the institution of implementation and protection of land rights in the Republic of Kazakhstan" (2010). This study covers the entire necessary range of issues of state legal coercion, protection of land rights, their implementation, state control over the use and protection of land at the time of writing the study. At the same time, the changes that have taken place in land and administrative legislation require a new analysis of the current state of affairs. However, the conceptual provisions obtained by E.Sh. Rakhmetov are very important for modern research.

The dissertation research by O. Kaldarbekuly "Legal regulation of the seizure of a land plot from the owner and the right to land use from a land user (Comparative analysis of legislation and practice of its application in the Republic of Kazakhstan and foreign countries" is devoted to "legal problems of compulsory alienation of land in the Republic of Kazakhstan".

The significance of this study lies in the fact that it substantiates the existence of such a legal substitution as "Withdrawal of a land plot from the owner and the right to land use from a land user", which is enforced by authorized bodies. In addition, this study, drawing attention to the nature of compulsory seizure, introduces a number of author's proposals for the conceptual apparatus in land law. The theoretical analysis of such a measure as compulsory land acquisition is directly related to the topic of our research.

Along with Kazakh scientists in the field of administrative law, the problems of administrative and legal coercion for violation of land legislation were also touched upon by scientists in the field of land and natural resource law. These include fundamentalist scientists: A.E. Erenov, N.B. Mukhitdinov, S.B. Baisalov, Zh.Kh. Kosanov, A.S. Stamkulov, K.A. Shaibekov, A.T. Ashcheulov, A.Kh. Khadzhiev, E.S. Rakhmetov, A.E. Bekturganov, B. Zh. Abdraimov, I. V. Amirkhanova, E.Sh. Dusipov, L.K. Erkinbaeva, M.K. Zhusupbekova, D.L. Baydeldinov, S.T. Kulteleev, S.D. Bekisheva, M.A. Alenov, Zh.S. Elyubaev and others.

Among the young researchers in the field of land law, such scientists as G.T. Aigarinova, B.R. Alimzhanov, B.B. Begiliev, A.S. Doschanova, G.G. Nurakhmetova.

In the field of economics, the study of B.S. Ospanov "Land reform of the Republic of Kazakhstan: Methodology, methods, practice", which had as its goal, based on the analysis of the economic reforms, economic forecasting and the formation of an optimal model of land relations in the conditions of the existence of state and private property.

But it should be noted that the problems of administrative and legal coercion and, in particular, administrative and legal responsibility for violation of the land legislation of the Republic of Kazakhstan have been investigated mainly from the position of the science of administrative law. Dissertation research in the field of both land and administrative legislation reveals significant gaps in the system of current legislation, contributes to the identification of conflict rules, entailing corresponding legal inconsistencies. In addition, the state policy in the field of land and in the field of administrative law is aimed at ensuring the targeted use of land, compliance with the principles of rational and ecological land use.

Summing up, it should be concluded that, despite a significant increase in the number of studies and publications in the field of administrative and land law on administrative responsibility for land offenses, carried out on the basis of an analysis of the problem under study, the above authors did not pay sufficient attention to the problems of studying the features of legal the nature and legal specifics of administrative and legal coercion for violation of land legislation, which necessitates a special study of this problem.

The purpose and objectives of the study. The purpose of this dissertation research is a comprehensive study of theoretical and practical problems of administrative and legal coercion for violation of land legislation and the development of a scientifically grounded and practically implementable model of the institution of administrative and legal coercion for violation of land legislation, aimed at protecting the interests of society, the rights and freedoms of land owners and land users.

To achieve this goal, the following tasks have been set:

- to study the genesis and evolution of the development of the institution of administrative and legal coercion for violation of land legislation;
- to study and analyze the principles of the institution of administrative and legal coercion for violation of land legislation;
- to study the legal nature of administrative and legal coercion for violation of land legislation and formulate the basic concepts of administrative and legal coercion for violation of land legislation;
- to study theoretical approaches to the system of norms regulating administrative and legal coercion for violation of land legislation and to identify the place of such norms in the system of current law;
- to investigate measures of administrative and legal coercion for violation of land legislation in the system of measures of state coercion and to develop proposals to improve the efficiency of their application;
- to study the legislation on administrative offenses in the field of land relations, law enforcement practice, identify gaps and shortcomings of the current legislation, and propose effective measures to improve it;
- to study foreign experience in the implementation of norms on administrative and legal coercion, determine the possibility of its application and develop recommendations for its application in Kazakhstan.

Object and subject of research. The object of this dissertation research is the social relations that develop in the process of exercising by authorized bodies in the field of land relations (officials) administrative and jurisdictional powers to implement

administrative and legal coercion for violation of land legislation.

The subject of theoretical and legal research is the norms of the institution of administrative and legal coercion for violation of land legislation, land, administrative and other branches of Kazakh and foreign legislation; scientific apparatus, which is a theoretical model that provides a regulatory framework for the activities of authorized state bodies in the field of land relations, law enforcement practice of subjects of administrative jurisdiction on the implementation of norms on administrative and legal coercion for violation of land legislation.

Methodological basis for dissertation research. In the course of the dissertation work, general methodological principles were used, as well as general and special methods of cognition, which made it possible to most fully conduct a comprehensive analysis of the issues considered in the dissertation and achieve the set goal.

The general method used in the work was the dialectical method of scientific knowledge. In addition to him, during the research, the following methods of scientific knowledge were used: historical method; formal logical method; method of analysis, synthesis; structural system method; method of legal comparison; the method of ascent from the abstract to the concrete; logical method; method; methods of sociological research, method of generalization, etc.

The historical method made it possible to analyze and generalize theoretical provisions and approaches to the concept of administrative and legal coercion for violation of land legislation, as well as to trace the development of the norms of the institution of administrative and legal coercion for violation of land legislation.

The use of systemic and logical methods made it possible to consider the investigated area of relations in the unity of its constituent elements and internal and external relations, as well as to build a logically coherent and consistent theory of the issue under study. The comparative legal method made it possible to conduct a comparative analysis of the studied theoretical provisions and norms regulating administrative and legal coercion for violating land legislation in the Republic of Kazakhstan and foreign countries. Using the formal legal method, an analysis of the legislation in the studied area was carried out.

Thus, the application of a combination of these methods provided an opportunity to conduct a comprehensive and interdisciplinary research and formulate theoretical conclusions and practical recommendations.

The normative basis for the study was the Constitution of the Republic of Kazakhstan, constitutional laws, laws and other regulatory legal acts of the Republic. Special mention should be made of the state system of land policy issues, acts of specially authorized central and local executive and representative authorities.

The empirical basis of the study was the materials of the practical activities of the authorized bodies of power, the results of analytical research in various branches of science and practice that are directly related to the issues raised, the current international, domestic and foreign legislation, materials of specific cases.

The following provisions are brought to the defense:

1. Administrative and legal coercion for violation of land legislation is a special type of state legal coercion for land offenses, which is a set of administrative and legal

measures that perform protective, regulatory and administrative warning functions in the field of legal regulation of land relations.

2. Administrative and legal coercion for violation of land legislation is characterized by the following features:

- carried out by the authorized bodies of the state on behalf of the state and in its interests;

- the subjects carrying out administrative coercion for violation of land legislation are the authorized state bodies, officials of the authorized state bodies, representatives of public organizations with jurisdictional powers;

- administrative coercion is carried out with the help of measures of influence on persons who have violated land legislation;

- measures of administrative coercion for violation of land legislation are applied only in the process of management activities to ensure law and order;

- the implementation of measures of administrative coercion for violation of land legislation is carried out in strictly defined procedural forms.

3. Administrative coercion for violation of land legislation is implemented in compliance with general principles of law, principles of administrative and land law. In addition, since administrative coercion for violating land legislation affects the interests of land owners and land users, the principles of private law must also be observed when implementing the norms of administrative coercion for violating land legislation. Only strict observance of the principles established by legislation in the implementation of administrative coercion by authorized bodies for violation of land legislation will be aimed at achieving the goals of state coercion established by the state.

The principles of administrative and legal coercion applied to violators of land legislation should be determined taking into account the place of this type of activity of state bodies in the system of measures to counter administrative offenses, which is carried out in various directions, using various means and methods, but reflects the single essence of state policy in the fight with land offenses.

4. The institution of administrative and legal coercion for violation of land legislation is a set of legal norms, including norms of various branches of law, and in fact, is a complex institution of law. This is confirmed by the fact that the application of measures of administrative and legal coercion for violation of land legislation is regulated not only by the norms of land law, but also by the norms of other branches of law.

5. Kazakhstani legislation governing public relations to attract perpetrators to administrative and legal coercion for committed land offenses requires further improvement and systematization of these norms. It follows from this that it would be advisable to separate the norms on administrative responsibility for land offenses in a separate chapter of the Administrative Code of the Republic of Kazakhstan. At the same time, the criterion for classifying land offenses into a separate group can be taken such criteria as violation of the procedure for using land for its intended purpose, violation of the order and principles of land management, land protection, etc.

6. As a result of the legal analysis of the law enforcement practice of applying administrative coercion measures for violation of land legislation, proposals and

recommendations were developed to improve the relevant legislation and increase the efficiency of the application of administrative and legal coercion for violation of land legislation.

6.1

In practice, the procedure for bringing to justice for land offenses is complicated by the fact that the authorized bodies in the field of land relations cannot immediately impose a penalty on the offender in the form of compulsory seizure of a land plot in an administrative procedural order, but must apply such a sanction as compulsory seizure of a land plot, in the order of legal proceedings. In this regard, we consider it expedient to include the sanction of land legal responsibility - compulsory seizure of a land plot for violation of land legislation - as an additional measure of administrative penalty in Articles 337, 338, 339, 340 of the Administrative Code of the Republic of Kazakhstan for land offenses.

6.2 In the event that a citizen of the Republic of Kazakhstan leaves citizenship, the ownership of the land plot in accordance with Art. 66 of the Land Code of the Republic of Kazakhstan must be alienated or reissued. However, the analysis of practice showed that this norm is not observed by citizens who have lost their citizenship of the Republic of Kazakhstan. In this regard, we propose to impose control over the implementation of the norms of Article 66 of the Land Code of the Republic of Kazakhstan by the owners of the land plot on the authorized body for control over the use and protection of land and supplement paragraph 2 of Article 147 (where the functions of authorized bodies are regulated) with subparagraph 16), and set it out in the following edition: "timely alienation or re-registration by citizens who have lost their citizenship of the Republic of Kazakhstan, ownership of the right to land, which may belong to him in accordance with this code."

Along with this, to oblige the bodies of the migration service, when drawing up the procedure for renouncing the citizenship of the Republic of Kazakhstan, notify citizens of responsibility for non-compliance with land legislation and require a document on the absence of a land plot on the right of ownership.

6.3 Taking into account the experience of foreign countries, we propose to include in the land legislation and the Code of Administrative Offenses of the Republic of Kazakhstan the norm "Non-use of land plots by land users during the period established by legislative acts" and provide for violation of the time period specified in the title documents for the land plot, during which the land user is obliged to start developing the land plot, administrative liability with a sanction in the form of a fine and gratuitous seizure of a land plot in favor of the state and termination of the right to it.

Theoretical and practical significance of the research. The theoretical significance of the study is that the dissertation candidate formulated and substantiated a number of conclusions and provisions that can become a starting point for further research related to. scientific substantiation and development of theoretical provisions on the object of research, ideas for the implementation of norms on administrative and legal coercion for violation of land legislation. From these positions, the definition of the basic concepts of administrative and legal coercion for violation of the norms of land legislation has been developed, its signs and characteristics have been identified, which sufficiently gives the research theoretical significance and validity.

The author's theoretical conclusions are important for improving the legislation governing the implementation of the institution of administrative and legal coercion for violation of land legislation.

From a practical point of view, the proposals and conclusions contained in the dissertation work can be used in the practice of law enforcement activities of public authorities dealing with the problems of solving land issues.

The dissertation materials can be used in the educational and methodological work of higher educational institutions of a legal profile, when studying the courses "Administrative Law of the Republic of Kazakhstan", "Land Law of the Republic of Kazakhstan", as well as for conducting special courses for listeners, students of law universities and undergraduates.

The approbation of the research results was carried out as the results were obtained at each stage of the dissertation work. The dissertation was completed at the Department of Financial, Customs and Environmental Law of the Law Faculty of the Al-Farabi Kazakh National University. The research results are reflected in the following works:

1. Tuyakbayeva N.S., Jangabulova A.K., Baimakhanova D.M., Sartayev S.A., Shansharbayeva B.S. Liability for violations of land legislation // Journal of Legal Ethical and Regulatory Issues. – 2018. – № 21(1). – P. _____

2. Smagulova D.S., Rakhmetov Y.S., Smanova A.B., Konysbai B., Shansharbayeva B.S. The role of the republic of Kazakhstan in international legal support of energy security // Journal of Environmental Management and Tourism. – 2018. – № 9(7). – P. _____

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