

ABSTRACT

of dissertation for the Philosophy Doctor (PhD) degree at specialty
6D030100 – "Jurisprudence" Nesipbaeva Indira Seisenovna on the topic
"Legal regulation of agricultural cooperation in the Republic of Kazakhstan in the
context of a new stage of land reform: international experience and national
practice"

The paper examines the legal problems of agricultural cooperatives in the context of a new stage of land reform in the Republic of Kazakhstan, taking into account international legal experience.

Relevance of the research topic. The transition to market relations required a revision of the concept of agricultural cooperation of sovereign Kazakhstan, and in this regard, there was a need to justify new approaches to legal regulation of the activities of these agricultural business entities in the country. In 2015, a new law "on agricultural cooperatives", the business code, was adopted, which made significant changes in the development of public relations in the field of agricultural cooperation. Agricultural cooperatives are an independent form of agricultural entrepreneurship, and in this regard, taking into account the business code of the Republic of Kazakhstan, the study of their legal features is in demand and relevant. In addition, in 2015, amendments and additions were made to the Land Code of the Republic of Kazakhstan. They were directly related to agricultural land. These changes caused numerous protests in the country, as a result of which the suspension of its use until December 31, 2026 was announced in the address to the people of Kazakhstan in 2022 by the president of Kazakhstan K. K. Tokayev: "during Cooperation, all rights to land and assets are reserved. Cooperation allows us to mobilize the efforts of many farms in the process of purchasing raw materials, organizing the production and sale of products. Within the framework of vertical cooperation, it is necessary to use the potential of personal subsidiary farms. Private farms can provide millions of rural residents with income. They should be mobilized to create regional food hubs. We should not forget about the potential of horizontal cooperation. Without it, there will be no dynamic development in the agro-industrial complex," he said. Despite the adoption of special laws and other legal acts aimed at the development of agricultural cooperatives, the measures taken to support their activities, this area of agricultural entrepreneurship has not achieved sustainable development. In this regard, the legal problems of the theory and practice of agricultural cooperatives require a thorough analysis and identification of theoretical problems at the conceptual level and study of the practice of general laws and national peculiarities, taking into account the best foreign experience in the formation of an effective system of cooperation. All the above prerequisites confirm the importance and relevance of the topic of dissertation research.

The object of research is public relations in the field of agricultural cooperatives. The subject of the study is the legal mechanism for regulating agricultural cooperatives, in particular the laws of the Republic of Kazakhstan, resolutions of the Government of the Republic of Kazakhstan, departmental normative legal acts, legislation of foreign states in the field of civil, land, agricultural, environmental and other law in relation to agricultural cooperatives.

The purpose of the proposed dissertation research is to conduct a comprehensive analysis of the national and international theory and practice of agricultural cooperatives, analyze the organizational and legal mechanism of their activities, identify the main problems, develop theoretical justifications and practical recommendations for their solution. To achieve this goal, the following tasks were solved in the work: to study the International and national experience of legal regulation of Agricultural Cooperatives and to study the content of the legislation of the Republic of Kazakhstan, taking into account the adoption of international legal norms in this area; to study the prerequisites for the formation of a modern organizational and legal mechanism of agricultural cooperation in sovereign Kazakhstan and to determine the specifics of the legal situation of agricultural cooperatives. agricultural entrepreneurship; determining the specifics of the legal regime of agricultural cooperatives ' land plots and studying the mechanism for exercising ownership and other rights to these lands; studying the organizational and legal mechanism for regulating agricultural cooperatives, determining the place and role of the state in this mechanism; disclosure of the content of measures of state support for the activities of Agricultural Cooperatives and providing legal ways to improve their effectiveness; study of legal forms of digitalization and international cooperation of Agricultural Cooperatives of the Republic of Kazakhstan in the field of agricultural entrepreneurship and suggest ways to improve the legislation of the Republic of Kazakhstan in this area; development of author's proposals and recommendations in the studied area.

The research methodology is determined by understanding its main tasks. General scientific methods (dialectical method, statistical, systematic, historical method), as well as a systematic approach, methods of applying structural-functional and comparative-legal (comparative) analysis were used to solve the research tasks. Theoretical basis of the study. The theoretical basis of the research was formed by scientific works in the field of law theory, international law, civil, agricultural and land law, works of scientists and practitioners in the fields of Economics, Agricultural Sciences, Ecology, etc. The legal basis of the dissertation is laid by the Constitution of the Republic of Kazakhstan, land and business codes, the law of the Republic of Kazakhstan "on agricultural cooperatives" and other normative legal acts, international treaties and agreements related to the activities of agricultural cooperatives.

Scientific novelty of the dissertation work: Economic and legal conditions for the development of agricultural cooperatives in a market-oriented time were

studied; the development of cooperation at the international level was studied and its concept in the formation and development of a modern model of agricultural cooperation was determined; features of the legal status of agricultural cooperatives as a form of agricultural entrepreneurship were revealed; the content of the organizational and legal mechanism for regulating agricultural cooperatives, measures of state support for their activities in modern conditions were studied and ways to improve them were proposed; legal forms of international cooperation of the Republic of Kazakhstan and digitalization of agricultural cooperatives in the field of agricultural entrepreneurship were studied.

The main conclusions to be submitted for defense:

1. During the period of formation and development of Sovereign Kazakhstan, the development of agricultural cooperatives was contradictory and complex, as there were no ready-made solutions to economic transformations in this area, conceptual approaches required theoretical research, practical solutions required the study of the experience of other countries. Market changes in this direction, the rejection of socialist postulates, played a crucial role. The experience of sovereign Kazakhstan in the first years of implementing economic reforms has shown that modern agricultural cooperatives are the result of agricultural land changes, privatization of state agricultural enterprises and collective farms, the prerequisites for their formation can be divided into social, economic and legal prerequisites. The socio-economic block of the prerequisites under consideration includes the formation of market relations in the country, the implementation of denationalization and privatization of state agricultural enterprises, the abandonment of the state monopoly on land, and the implementation of agrarian land reform. In Kazakhstan's practice, there have been serious violations in the process of privatization in agriculture. In particular, collective farms that are not state-owned, i.e. cooperative enterprises, were subject to privatization, which led to significant negative consequences. Legal prerequisites are the rejection of socialist postulates of governance and legal consolidation at other levels of constitutional and market economic transformation. In order to form modern agricultural cooperatives, legal regulation of market transformations was carried out in various directions, the legal sources of which were divided into different groups. First of all, these are legal acts regulating the process of denationalization and privatization in agriculture. The second group is represented by land legislation, since the activities of agricultural structures are closely related to land use. In this area, a whole package of legal acts in the field of land was adopted. Third, These are the norms of financial, tax and other areas of legislation aimed at regulating certain areas of agricultural cooperatives. Fourth, these are norms developed within the framework of civil legislation, and then the legislation on cooperatives. It approved the forms and types of production cooperative, rural consumer cooperative.

2. In the XXI century, cooperatives represent an effective organizational and economic structure that has a real impact on ensuring the sustainable development

of society. This is possible if there is a state understanding of their role, comprehensive support for their development not only by state, but also interstate and non-governmental organizations, and an effective legal basis for the development of this area of Public Relations. The development of cooperation at the international level has had a significant impact on national legislation, which has undergone radical changes. The first stage of 1991-1994 is the period of implementation of radical economic changes in agriculture. It is distinguished by the rejection of socialist forms of economic management, the implementation of denationalization and privatization, the elimination of the state monopoly on land, the introduction of market-oriented approaches to state management of the economy, including the formation of cooperatives in agriculture. At the second stage (1994-2015), civil and then General Cooperative legislation was formed, the norms of which laid down provisions on the types of production and consumption of cooperatives at a time of orientation to the new market. At the third stage (until today in 2016), agricultural cooperatives were legally established in a special law. Currently, there is an active search for ways to further develop them.

3. An agricultural cooperative is a special form of agricultural entrepreneurship on the right of private ownership, aimed at generating income through the implementation of agricultural production, as well as its processing, sale, storage of agricultural products, Aquaculture (fish farming) products, equipping them with means of production and material and technical resources and other types of services for members of the cooperative, including Associate Members of the cooperative. The features of the legal situation of agricultural entrepreneurship of an agricultural cooperative are as follows. First, it is a legal entity in the organizational and legal form of a production cooperative. Secondly, its activities are related to agricultural activities aimed at creating a competitive environment in the field of production, processing, sale, storage of agricultural products, Aquaculture (fish farming) products, equipping with means of production and material and technical resources; infrastructure development and ensuring direct delivery of agricultural products, Aquaculture (fish farming) products from producer to consumer; it is aimed at promoting the purchase of necessary resources by cooperative members on favorable terms and achieving financing for their production and other economic activities. Third, a SEC is a commercial organization whose activities, on the one hand, are aimed at generating income, and on the other hand, it is created in order to provide mutual assistance and protect the rights and interests of its members. Fourth, members of the SEC are individuals and legal entities engaged in joint production and (or) other economic activities in the above-mentioned areas. At the same time, personal labor participation of members of the cooperative in the activities of the Agricultural Cooperative is not mandatory. Fifth, associate members may participate in the activities of the SEC, who have the right to receive the necessary services in order to meet their socio-economic needs in the production, processing, sale, storage of

agricultural products, Aquaculture (fish farming) products, equipping them with means of production and material and technical resources, lending, water supply or other services. Sixth, the SEC has the right to establish branches and representative offices. This will allow us to integrate their activities at the local, regional, national and international levels.

4.State regulation of relations in the field of agricultural cooperation is a set of state measures aimed at creating legal, economic, social, organizational and other conditions that promote the development of agricultural cooperatives as a potential for the development of agricultural production in order to ensure the food security of the country, the development of international agricultural cooperation. Further development of self-government through the adoption of the national plan for the management of agricultural cooperation, assistance and support from state, interstate and non-governmental organizations will contribute to their growth and effective development. A draft similar plan of the Department of agricultural cooperation in the Republic of Kazakhstan is proposed.

5.The definition of the organizational and legal form of Agricultural Cooperatives is aimed at identifying the specifics of their legal status and contributes to their effective accounting. The following criteria for their classification are proposed. The first is agricultural cooperatives, on the basis of which there are vertical and horizontal types of integration. The first group includes cooperatives established jointly with other agricultural producers, whose activities are related to the implementation of agricultural production. Secondly, cooperatives whose activities are aimed at providing service and other services to cooperative members in the field of processing, storage, transportation, sale, supply, maintenance, lending, provision of various services, etc., agricultural cooperatives can be established for a certain period of time or indefinitely, which should be regulated by their constituent documents. Depending on the territorial coverage of their activities, cooperatives can be national (local, regional, national) and international (transnational).

6.International cooperation contributes to improving the efficiency of Agricultural Cooperatives and achieving their sustainable development. Legal regulation of forms, levels and principles of international cooperation in this area is required, the priorities of which are: the development of agricultural cooperatives in order to ensure food security; ensuring their achievement of sustainable development; the development and support of Free International Trade and investment for the development of agricultural cooperatives; it is necessary to consolidate participation in international initiatives in the field of agricultural cooperatives; expand the practice of private-public partnership. Priority tasks of international cooperation of Agricultural Cooperatives of the Republic of Kazakhstan can be solved on a global, cross-border, regional and bilateral basis.

Theoretical significance of the dissertation research theoretical provisions, scientific conclusions and recommendations are aimed at the development of

Agrarian legal Science, the National concept of agricultural cooperation. The practical significance of the dissertation research lies in the fact that its conclusions and recommendations can be applied: in the process of improving legislation on the development of agricultural cooperatives; in the development of the scientific concept of agrarian and legal Science, which requires deepening the scientific study of the legal nature of modern agricultural cooperation; in the work of state and other bodies whose activities are related to agricultural cooperatives (local executive bodies, agricultural bodies, tax and customs bodies, local self-government bodies, etc.), certain provisions of the dissertation research can be used in the development of educational programs on the cycle "law", included in lectures and practical classes on entrepreneurship and agrarian issues.

Approbation of the results of the dissertation research. The results and results of the research were presented at scientific conferences and seminars and reflected in seven scientific publications, including two articles, in journals recommended by the BES of the Ministry of education and science of the Republic of Kazakhstan, as well as two scientific articles published in journals indexed in the Scopus database and with a percentile above 35 on CiteScore. The dissertation was prepared at the Faculty of law of Zhetysu university named after I. Zhansugurov and was discussed at a scientific seminar of this faculty.

Volume and structure of the dissertation. The structure and scope of the dissertation correspond to the main purpose, nature and logic of the research. The dissertation consists of an introduction, three sections, nine sections, a conclusion, A list of sources used, and an appendix.