

ANNOTATION
of the dissertation submitted for the academic degree of
PhD in the specialty «8D04201 – Jurisprudence»
by Moldagaliyeva Aizhan Sundetovna
on the topic: «Legal regulation of organic agricultural production in the
Republic of Kazakhstan: national and foreign experience»

General characteristics of the work. The dissertation research is devoted to a comprehensive study of the legal regulation of organic agricultural production in the Republic of Kazakhstan, as well as to the development of theoretical foundations and practical mechanisms for improving legislation in this field. The object of the study is the social relations arising in the process of implementing organic agricultural production, while the subject of the study includes legislative acts and law enforcement practice in this area. The dissertation examines the history of the formation and development of legislation in the field of organic agriculture at both international and national levels; studies the legal aspects of state regulation of organic agriculture, the use and protection of organic agricultural products, and state support in the Republic of Kazakhstan; identifies the main directions of digitalization of organic agricultural production and circulation; and develops theoretical provisions concerning the problems of legal regulation of organic agricultural production.

Relevance of the dissertation research topic. Countries around the world that have abandoned industrial agriculture are now paying close attention to organic agricultural production. Organic agriculture, aimed at preserving the balance of the laws of nature, is a sought-after global agro-trend.

The issue of legal regulation of organic agricultural production in the Republic of Kazakhstan is currently of particular importance. This is primarily due to the growing demands on food security, environmental protection, and public health in the context of globalization. Organic agriculture is aimed at ensuring ecosystem stability by limiting the use of chemical fertilizers and pesticides, so its effective legal regulation is becoming an important area of government policy.

The Republic of Kazakhstan is in the process of forming a regulatory framework aimed at the development of organic production. In this regard, there is a need to improve the current legislation, bring it in line with international standards and develop law enforcement practice. There is a need for a comprehensive study of the theoretical and practical aspects of the development of organic agriculture, the identification of ways to improve its effectiveness and the development of scientific recommendations adapted to national specificities. This determines the relevance of this thesis.

The degree of development of the topic. Among the Russian scientists who have studied these issues are: N.B. N. Mukhitdinov, L. N.K. Erkinbayeva, D. N.L.N. Baydeldinov, B.J. Abdraimov, A.E. Bekturganov, G.A. N. Stamkulova, M. N.K. Zhusupbekova, G.T. Aigarinova, B. Kalymbek, D. Nurmukhankyzy, D.N. Bekezhanov, R. Erezhepkyzy, G. Kopbasarova, A. N.T. Ozenbayeva, D.R. Saipinov.

The dissertation uses the works and references to the works of the following foreign scientists: Brinchuk M. N. M. N. O. Kolbasov. According to S. N. S. Bogolyubov, A. N. B. Yerofeyev, V. N. S. Kharitonov, A. N. L. Usmanov, F. N. V. Kholupko, E. T. Mamytov, T. M. Saidov. H. N. Ashurmetova. A. n., Avarsky N. D. J. Sokolova. E., Im. Gomez, L. N. Tivant, A. Otke. Winner of the V. Olenkov Prize. V. N. A., N. F. N. Razin, Vogt, G., Willer, H., Lemoud J. V. Grigorchuk. V. N. E. Klimov. V. N., N. Ledin, S. N. Prize winner. Kononenko, V. N. N. Sinchurin, E. N. L. N. Muradova, V. Levchenko. V. Grigoruk Prize winner. V. N. E. Klimov. V. N. Falina N. V. N. A. Sibiryayev. According to S. N., Sekine, Kae & Hisano, Shuji, R. Fischer, V. N. Sidorenko, A. N. Inyukin, B. N. Gasparyan, S. Pravdina. A. N. A. Taruntayeva. V. Sulimin. V. N. O. Zagazheva. Z. A. Yusupov. N. B. Mamazhonov. O., Obidov N. S.

The main feature of the dissertation research is a comprehensive and comparative study of the issue of legal regulation of organic agricultural production in the Republic of Kazakhstan.

Methodological basis of the dissertation research. The methodological basis of the research is a combination of formal-legal, comparative-legal, systemic, historical-legal and dialectical methods. These methods allow for a comprehensive study of the system of legal regulation of organic agriculture in the Republic of Kazakhstan.

The purpose and objectives of the dissertation research. The purpose of the dissertation research is to conduct a comprehensive analysis of theoretical, legal and practical issues of organic agriculture and to develop recommendations for improving national legislation. To achieve this goal, the following tasks have been set:

- define the concept and structure of organic agriculture, the essence of its principles;
- to analyze the formation and development of legislation in the field of organic agriculture in the Republic of Kazakhstan;
- to study the current legal status of organic agriculture in the context of sustainable development;
- define the concept of state regulation of the use and protection of organic agricultural products, as well as the legal and economic aspects of state support;
- to consider the system of state regulatory bodies for the use and protection of organic agricultural products;
- analyze the issues of legal regulation of waste recycling in organic agriculture;
- to study the issues of digitalization of agricultural production and trade development;
- to determine the role and effectiveness of electronic agricultural plans and strategies in foreign countries.

The object of the study. Public relations arising during the implementation of organic agricultural production in the Republic of Kazakhstan, including in the areas of organic production, certification, labeling, marketing and state legal regulation.

The subject of the study. The system of legislative and regulatory acts in the field of legal regulation of organic agricultural production in the Republic of Kazakhstan, the legal norms governing the procedure for the production, certification, labeling and sale of organic products, as well as the practice of their application and implementation.

The regulatory framework of the study. The study analyzes the relationship between national and international legal acts, their compatibility and impact on law enforcement practice, and develops recommendations aimed at improving the legal regulation of organic agricultural production.

Provisions to be defended:

1. Organic agriculture is a special farming system carried out in accordance with special legislative norms and standards aimed at improving human health, producing environmentally friendly products while ensuring favorable environmental conditions, naturally increasing soil fertility and protecting natural resources. The main features of organic agriculture are the promotion of human health without artificial additives, the production of environmentally friendly products without harm to the natural ecosystem and increased biological activity while maintaining soil fertility.

2. The principle of ensuring sustainable development is a principle of development based on the rational use of natural resources, maintaining ecological balance and meeting the socio-economic needs of future generations without negatively affecting their standard of living in the context of globalization.

The essence of the principle of ensuring sustainable development is to maintain a balance between present and future potential through the rational use of natural resources and meeting the socio-economic needs of society. This principle comprehensively encompasses the natural environment and people's ability to live in a supportive environment.

3. The legal status of the terms «organic», «eco», «bio», «environmentally friendly product» in relation to products should be considered in a legislative context, clearly distinguish them, and on this basis form a model for labeling organic products. International standards establish a hierarchical classification of labeling «organic», «eco», «bio», «environmentally friendly product». We consider it necessary to introduce the concepts of «organic» and «environmentally friendly product» as a highly standardized separate legal category in the current Law of the Republic of Kazakhstan «On the Production and Turnover of Organic products».

4. It is important to strengthen the institutional framework for certification and conformity assessment of organic products. It is necessary to expand the regulatory framework governing organic production and product turnover, as well as bring national standards in line with international standards. It is necessary to increase the accessibility of standards by providing free access to key documents for participants in the organic market.

5. In order to further improve legislation and the application of laws in the field of waste management, it is necessary to develop by-laws supplementing environmental legislation: rules for the management of solid household waste and

rules for separate waste collection. The absence of a single industry law and digital waste monitoring systems prevents a full-fledged transition to a circular economy, and therefore these by-laws are designed to systematize the disparate legal norms of the Environmental Code.

6. In order to preserve and restore soil fertility in the context of digitalization of organic agriculture, we consider it necessary to regulate the following issues:

Firstly, ensuring the food security of the country's population is possible through the rational use of agricultural land and targeted management and regulation of soil fertility. Therefore, it is now necessary to develop a draft law "On soil protection", as it is done in advanced foreign countries (Appendix 1).

Secondly, it is necessary to fully digitize the country's soil resources – to create a modern information system on soils and agrochemicals, which will allow for prompt and targeted management of soil conditions and agrochemical conditions and solve many problems related to the rational use of soil resources and the optimal use of fertilizers for crops.

The scientific novelty of the dissertation research. For the first time, the theoretical and legal foundations of the legal regulation of organic agricultural production in the Republic of Kazakhstan have been comprehensively systematized, as well as the legal content of the concept of "organic agriculture" has been clarified. The main directions of improving the legal regulation of organic production in Kazakhstan are proposed, including: improvement of the certification system, legal justification of state support measures and recommendations for strengthening control and supervision mechanisms. The main scientific novelty of the proposed dissertation research is that it is the first comprehensive work in the state language, consisting of the development of theoretical and practical proposals and conclusions aimed at improving national legislation and the practice of legal regulation of organic agricultural production.

The theoretical significance of the dissertation research is determined by the formation of scientific and methodological foundations of the legal regulation of organic agricultural production. In the course of the research, a comprehensive analysis of the essence, content and structure of legal relations in this area is carried out, and their legal nature is revealed. This, in turn, allows us to scientifically substantiate an independent direction of legal regulation of organic production at the junction of agrarian and environmental law.

The theoretical significance of the dissertation is characterized by its contribution to the development of agrarian law through a comprehensive scientific study of the issues of legal regulation of organic agricultural production.

The practical significance of the dissertation research. The practical significance of the dissertation research is determined by the development of specific proposals aimed at improving existing legislation in the field of legal regulation of organic agricultural production and the effective organization of law enforcement practice.

Approbation of the research results. The dissertation research was carried out and discussed on the basis of the Department of Legal Disciplines of the I. Zhansugurov Zhetysu University. The main results and scientific provisions of the

dissertation research are reflected in 4 scientific publications. Of these, 3 articles were published in scientific publications recommended by the authorized body, and 1 article was published in a publication included in the Scopus database.

The structure and scope of the dissertation: The work consists of an introduction, three sections, a conclusion, a list of sources used and an appendix.