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ISSUES OF LEGAL REGULATION OF ORGANIC AGRICULTURAL PRODUCTION IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT: COMPARATIVE ANALYSIS OF OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN AND FOREIGN COUNTRIES

The organic sector is a rapidly developing area of the agricultural industry. Organic food products are in high demand in the domestic and global food markets. Kazakhstan's food production does not go beyond global trends. However, the legislative framework for the production of organic products, their labeling, storage and quality control in the country requires deregulation and further clarification of the legislative aspects of the organic sector of agricultural production.

The subject of the study is the legal mechanism of organic agricultural production in order to fulfill Kazakhstan's international obligations in the field of sustainable development. Several aspects of the development of organic agricultural production in the context of sustainable development can be distinguished. First, it is dangerous to withdraw from circulation in the event of overexploitation of lands, for which agricultural producers are paid appropriate compensation. Second, it is an incentive for environmentally friendly production. Third, it is a measure to limit the use of agrochemicals until taxes are introduced. Fourth, it is an incentive for tree planting, regulation of water flows and general land restoration, however, the latter is carried out very carefully. Thus, recognition of the importance of wetlands as an element of natural ecosystems leads to a very careful approach to their drainage. Fifth, it is a policy of preserving historical landscapes, including buildings, historical heritage. Sixth, it includes a policy of developing and preserving some mountain slopes and less developed agricultural areas, where the population is mainly leaving.

The authors, studying the legal means of conducting organic agricultural production, legislate the principle of sustainable development in agricultural production, performs a comparative analysis of the legislation of foreign countries, Recommendations for improving the land legislation of the Republic of Kazakhstan, examination of environmentally friendly products in accordance with world standards to provide the consumer with quality products, regarding the attraction of new innovations, certification of new organic products, as well as legislative consolidation of the principle of sustainable development in agricultural production, on amendments to the norms of the Land Code of the Republic of Kazakhstan.

Keywords: Sustainable development, legal protection of the environment, greening, greening of agricultural production, agriculture, organic products, ecosystem.

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Орнықты даму жағдайындағы органикалық ауыл шаруашылығы өндірісін құқықтық реттеу мәселелері: ҚР мен шетел заңнамасын салыстырмалы талдау

Ауыл шаруашылығы саласының жедел түрде дамып жатырған бағыты – бұл органикалық сектор болып табылады. Отандық және әлемдік азық-түлік нарықтарында органикалық азық-түлік өнімдері жоғары сұранысқа ие. Қазақстандық азық-түлік өндірісі әлемдік үрдістерден тыс қалмайды. Алайда, елімізде органикалық өнімдерді өндірудің, оларды таңбалау, сақтау және сапасын бақылаудың заңнамалық базасы қайта реттеуді, ауылшаруашылық өндірісінің органикалық секторын заңнамалық аспектілерін одан әрі нақтылауды талап етеді.

Зерттеудің мәні Қазақстанның орнықты дамуды қамтамасыз ету саласындағы халықаралық міндеттемелерді орындауы тұрғысынан Органикалық ауыл шаруашылығы өндірісінің құқықтық тетігі болып табылады. Орнықты даму жағдайындағы органикалық ауыл шаруашылығы өндірісін дамыту бағыттарының бірнеше аспектілерін бөліп қарастыруға болады. Біріншіден, бұл эрозия тұрғысынан, ауылшаруашылық өндірушілеріне тиісті өтемақы төленетін жерлерді артық өндіру жағдайында айналымнан шығару қауіпті болып табылады. Екіншіден, бұл экологиялық

рісті ынталандыру. Үшіншіден, бұл агрохимиялық құралдарды қолдануға салықтар енгізілгенге дейін шектеу шаралары. Төртіншіден, бұл ағаш отырғызуды ынталандыру, су ағындарын реттеу және жалпы жерді қалпына келтіру, алайда, соңғысы өте сақтықпен жасалады. Сонымен, батпақтардың табиғи экожүйелердің элементі ретіндегі маңыздылығын мойындау олардың құрғауына өте мұқият қарауға әкеледі. Бесіншіден, бұл – тарихи ландшафттарды, соның ішінде ғимараттарды, тарихи мұраларды сақтау саясаты. Алтыншыдан, бұған негізінен халықтың кетуі байқалатын кейбір тау бөктеріндегі және ауылшаруашылық жағынан аз дамыған аудандарды дамыту және сақтау саясаты кіреді.

Авторлар органикалық ауыл шаруашылығы өндірісін жүргізудің құқықтық құралдарын зерделей отырып, аграрлық өндірісте орнықты даму қағидатын қамтамасыз етуді заңнамалық тұрғыда бекітуді ұсынады, шет мемлекеттердің заңнамасына салыстырмалы талдау жүргізеді, органикалық өндіріс туралы заңнаманы, ҚР жер заңнамасын жетілдіру бойынша ұсынымдар, экологиялық таза өнімдерге тұтынушыны сапалы өніммен қамтамасыз ету үшін әлемдік стандарттарға сай сараптамадан өтуге, жаңа инновацияларды тартуға, жаңа органикалық өнімдерді сертификаттауға, сондай-ақ аграрлық өндірісте орнықты даму қағидатын қамтамасыз етуді заңнамалық тұрғыдан бекітуге қатысты, қолданыстағы ҚР Жер кодексінің нормаларына толықтыру енгізу туралы ұсыныстар беріледі.

Түйін сөздер: Орнықты даму, қоршаған ортаны құқықтық қорғау, экологияландыру, аграрлық өндірісті экологияландыру, ауыл шаруашылығы, органикалық өнім, экожүйе.

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Проблемы правового регулирования органического сельскохозяйственного производства в условиях устойчивого развития: сравнительный анализ законодательства РК и зарубежных стран

Быстро развивающееся направление сельскохозяйственной отрасли – это органический сектор. Органические продукты питания пользуются большим спросом на внутреннем и мировом продовольственных рынках. Казахское производство продуктов питания не выходит за рамки мировых тенденций. Однако законодательная база производства органической продукции, ее маркировки, хранения и контроля качества в стране требует дерегулирования, дальнейшего уточнения законодательных аспектов органического сектора сельскохозяйственного производства.

Предметом исследования является правовой механизм органического сельскохозяйственного производства на предмет выполнения Казахстаном международных обязательств в области обеспечения устойчивого развития. Можно выделить несколько аспектов направлений развития органического сельскохозяйственного производства в условиях устойчивого развития. Во-первых, это связано с тем, что с точки зрения эрозии опасно выводить из оборота Земли, за которые сельскохозяйственным производителям выплачивается соответствующая компенсация, в случае перепроизводства. Во-вторых, это стимулирование экологически чистого производства. В-третьих, это ограничительные меры до введения налогов на применение агрохимических средств. В-четвертых, это поощрение посадки деревьев, регулирование водотоков и восстановление земель в целом, однако последнее делается с особой осторожностью. Таким образом, признание важности болот как элемента природных экосистем приводит к очень тщательному рассмотрению их высыхания. В-пятых, это политика сохранения исторических ландшафтов, в том числе зданий, исторического наследия. В-шестых, это включает политику развития и сохранения некоторых предгорных и менее сельскохозяйственных районов, где в основном наблюдается отток населения.

Авторы, изучая правовые средства ведения органического сельскохозяйственного производства, законодательно закрепить обеспечение принципа устойчивого развития в аграрном производстве, осуществляет сравнительный анализ законодательства иностранных государств, Рекомендации по совершенствованию земельного законодательства РК, проведение экспертизы экологически чистой продукции в соответствии с мировыми стандартами для обеспечения потребителя качественной продукцией, касательно привлечения новых инноваций, сертификации новых органических продуктов, а также законодательного закрепления обеспечения принципа устойчивого развития в аграрном производстве, о внесении дополнений в нормы Земельного кодекса РК.

Ключевые слова: устойчивое развитие, правовая охрана окружающей среды, экологизация, экологизация аграрного производства, сельское хозяйство, органическая продукция, экосистема.

Introduction

The long-term global development of the economy has led to a significant decline in the natural, social and even spiritual environment. In the context of the development of globalization and integration trends, the world is changing at an incredible speed. Currently, the transition to the digital system of all aspects of human society, the growth of the world population, the rapid urbanization, the use of alternative energy sources and the transformation of the labor market have become megatrends of world development.

Environmental problems, global climate change, social and gender inequality are just some of the systemic crises and global challenges that countries, corporations and people have been facing in the late 20th and early 21st centuries. This conflict has led to an understanding of the importance of sustainable development.

In order to cope with the rapid development of technologies and embark on the path of sustainable development, any state considers it beneficial to establish a global dialogue. In particular, «strengthening dialogue and cooperation in our country and around the world has become an important part of Kazakhstan's policy» (<https://www.akorda.kz/>).

In addition to the five development directions mentioned above, the search for and implementation of sustainable and long-term economic development is a pressing issue today. The issue of ensuring environmental safety is one of the global problems. According to experts, recently there has been an aggravation of global problems. In the modern age of knowledge and science, as science, technology, and industry develop in the world, the state of global ecology is deteriorating. Natural factors have begun to have a direct negative impact on the health of mankind. Soil degradation has led to a 23% decrease in their productivity. The number of people on Earth is growing day by day and is expected to reach 10 billion.

«The consequences of climate change are leading to desertification of the Central Asian territory, loss of biodiversity, glaciers, depletion of water resources, and extreme hydrological phenomena. Solving these problems requires urgent decisions to adapt to climate change and mitigate its consequences» (<https://inbusiness.kz/>).

The main task facing the global community to create a good society in the world is to optimize the state of the environment, preserve and protect nature, and regulate the rational use of natural resources.

Sustainable development is the harmonious development of nature and society, while preserving the environment and resources, that is, without compromising the ability of future generations to meet their own needs.

Sustainable development should not be confused with the intensity of economic development, sustainable development should be understood in a more logical way - in the current post-industrial period, while ensuring the needs of humanity, while not continuing to endlessly produce and use natural resources, but rather as a model of rational use of resources, a model of interaction between man and nature, and a model of civilizational development.

The term «sustainable development» appeared in science at the end of the 20th century. According to the UN definition, sustainable development is the process of ensuring the needs of modern society members in the process of economic development. The main principles of sustainable development are: respect and care for all living beings on Earth, improving the quality of life, preserving the diversity of ecosystems, developing within the limits of ecosystem capacity, changing patterns of human activity, preventing the inefficient use of non-renewable resources; developing national concepts that provide for the integration of socio-economic development and environmental protection.

The sustainable development model includes:

1. Reducing the material and energy intensity of production, minimizing waste, reducing the circulation of toxic substances, and expanding the use of renewable resources, including energy sources.
2. Transition to pricing that takes into account environmental criteria (the cost of environmental damage) and, in combination with a system of taxes and penalties, encourages the use of new, economically safe resource and energy-saving technologies.
3. Promoting sustainable agriculture and the development of rural areas by increasing crop yields, improving the nutritional properties of plant and animal products, using integrated methods of combating agricultural pests, etc.
4. Transfer of advanced technologies to developing countries by industrialized countries, in particular new technologies created on the basis of genetic materials obtained from developing countries.
5. Creation of international institutions capable of defining a single global network of sustainable development, establishing common environmental standards for all countries, mobilizing and redistributing resources for the benefit of the entire community, and monitoring compliance by all states with

common rules of environmental behavior (<https://monographies.ru/>).

Paragraph 6 of Article 5 of the Environmental Code of the Republic of Kazakhstan establishes the principle of sustainable development, aimed at ensuring balanced and rational management of the state, preserving natural ecological systems and ensuring their stable functioning (<https://online.zakon.kz/>).

The main tasks of ensuring sustainable development include ensuring the quality of the environment, stopping and eliminating the loss of biodiversity and protecting endangered species, rational use of natural resources, controlling pollution, preserving ecosystems and species, minimizing the impact of solid and hazardous waste on the environment, preventing land degradation, combating climate change and land degradation. As a result of fulfilling these tasks, we will achieve sustainable and long-term development of our economy. The means of ensuring sustainable development include financial resources and the mechanism for their use, the use of environmentally safe equipment and technologies.

Research methodology

This article uses general scientific methods of legal regulation for research. In particular, historical, comparative analysis, normative-logical, synthesis, systematic-legal, abstraction, generalization, analogy, etc. public-legal methods are also used.

During the study, historical-legal methods are used to determine the history of the formation of the protection of children's rights, the legislation on children's rights and the development of the institution of children's rights. Comparative legal methods allow the authors to draw general conclusions when studying national and foreign legislation and practice in revealing the content of the research topic.

Results and discussions

The ecologicalization of agricultural production is one of the ways to ensure sustainable development (Abdraimov, 2007). Some aspects of the problem of legal protection of the environment in agriculture have found their place in the scientific works of lawyers (Bekturganov, 2004 : 314). In this case, the problem arises due to the definition given by scientists to the concept of environmental protection, its meaning.

The problems of legal protection of the environment in agriculture were studied in the scientific monograph of O. S. Kolbasov «Legal Protection of the Environment in Agriculture» in relation to the socialist form of agricultural production (Kolbasov,

1989). In his opinion, the negative environmental aspects of agricultural production can be divided into three groups. The need to eliminate and prevent such consequences required a solution at the legal level, which led to the ecologicalization of Soviet agricultural legislation.

Studying the environmental and legal problems of modern agricultural production, the Russian scientist L.F. Usmanova noted that «until now, industry and transport have traditionally been considered the main disruptors of the natural balance, while the potential harmful effects of agriculture on the environment have not yet been fully appreciated» (Usmanova, 2000).

In the context of intensive agricultural production, there is not only an increase in the use of land, water and other natural resources, but also the formation of agricultural waste and wastewater from the activities of agricultural producers, and pollution of the environment with pesticides and other agrochemicals (Muhitdinov, 1983).

Studying the experience of EU countries, V.I. Nazarenko writes: «Here we can single out several aspects of such a policy. First, this conclusion, from the point of view of erosion, is that in the case of overexploitation of lands for which agricultural producers are paid appropriate compensation, it is dangerous to withdraw them from circulation. Second, this is the encouragement of environmentally friendly production. Third, these are measures to restrict the use of agrochemicals until taxes are introduced. Fourth, these are measures to encourage tree planting, regulate water flows and generally restore the land, however, the latter is carried out with great caution. Thus, recognition of the importance of wetlands as an element of natural ecosystems leads to a very careful approach to their drainage. Fifth, it is a policy of preserving historical landscapes, including buildings, and historical heritage. Sixth, it includes a policy of developing and preserving some mountain slopes and agriculturally underdeveloped areas, which are mainly affected by population outflow. Here, a policy of subsidies depending on the size of crops and livestock is implemented to keep farmers in these unfavorable areas and prevent the wildness of uninhabited areas.

In foreign literature, the concept of «environment» is considered in three aspects:

1) physically (the environment is the material environment in which the transformation of matter and energy takes place);

2) geographically (the environment is the real environment consisting of natural and anthropogenic elements in which people live and work);

3) ecologically (the environment is a set of inter-related factors of the physical, biological and social environment that have a decisive influence on the development of society)» (Erofeev., 1998 : 8). All three of these approaches are widely used by foreign and domestic lawyers.

The scientist O.S. Kolbasov evaluates the concept of «environment" in a physical sense as follows: «Nature (environment) is the entire material world outside of human society, surrounding society. The entire universe belongs to nature» (Kolbasov, 1976: 19).

The vast majority of ecologists from the CIS countries adhere to a geographical approach (Baideldinov, 1995). The ecological approach is characteristic of foreign experts. Thus, according to the Model Law on Environmental Protection (Council of Europe, Strasbourg, 1994), «environment» means:

- 1) the natural resources, both living and non-living, such as air, space, water, soil, climate, fauna and flora, and the interactions between these factors;
- 2) the property forming part of the man-made environment;
- 3) the features of the landscape;
- 4) the quality of life and conditions of life which affect or are likely to affect the well-being and health of people».

In the opinion of M.M. Brinchuk, he interprets the term «environment» as the term «surrounding natural environment", however, in terms of meaning it is synonymous with the concept of «nature». «The environment can be defined as the surrounding natural environment, that is, a set of natural systems, natural objects and natural resources, including atmospheric air, water, land (soil), subsoil, animal and plant life, climate and near space, in their interconnection and interaction» (Brinchuk, 1995 : 53).

One of the most powerful factors affecting the environment is agriculture. The agro-industrial complex is the main driving force of the economy. However, the growth rate of agricultural production cannot fully meet the population's food needs. The slow growth of agricultural production, rising prices, and the world's population growth require scientists and practitioners in many countries to consider the issues of processing plant and animal raw materials into food. If the problem remains in this state, it is quite possible that in the near future the conversion of plant and animal waste into food will become a real necessity (Ledin, Kononenko, Sinchurin, Muradova., 2008 : 89).

The state's interest in solving environmental problems and producing competitive agricultural

products that meet environmental requirements indicates the need to develop legal instruments for environmental protection in agricultural production. In this regard, the Concept of Environmental Security of the Republic of Kazakhstan states that «Economicization of the economy is the maintenance of resource and ecological balance by ensuring sustainable environmentally safe use of nature and reducing the environmental intensity of production and reducing the impact of the economy on biosphere processes of metabolism and energy.

To implement the ecologization of the economy, it is necessary to develop resource-saving technologies and reduce the share of environmentally «dirty» industries, improve economic mechanisms for nature use, state environmental control, environmental monitoring and statistics, optimize the permitting system for nature use, and introduce environmental conditions and requirements into all state, regional, and sectoral programs being developed through environmental expertise» (Levchenko, 1989).

No matter how the issue of environmentalization of agricultural production is raised, in practice its solution is relegated to second place due to the priority given to urgent economic priorities.

Agricultural production is the basis of the life of human society, as it is a source of vital products, raw materials for the production of these products. Soil is the basis of crop production, crop production is the basis for livestock production, and crop production and livestock products provide people with food, clothing, etc. The ecology of agriculture consists, on the one hand, of the impact of human activity on it, and on the other hand, of the impact of agriculture on natural and ecological processes and the human body.

Fulfillment of modern environmental requirements in agricultural production requires investments, without which it is difficult to think about the economic efficiency of agricultural production. "Because neither science, nor technology, nor the technology of agricultural production based on them, if they cause environmental damage to nature, will not bring the expected final socio-economic results to society. This is very important for agriculture, since this branch of social production is closely connected with living and inanimate objects of nature. Therefore, land reclamation, chemicalization, mechanization and other directions of agricultural development increase the potential of the land and make it fertile.

Sustainable development is one of the established international principles. The first standard (legislation) regulating organic agriculture in the EU was adopted in Austria in 1985, and later or-

ganic legislation was adopted in some countries such as Denmark, France, Switzerland, the United Kingdom, etc.

Even in countries such as Germany and the USA, which are among the world's leading economies, many programs and laws have been adopted to promote sustainable development, resulting in rapid development of industries and today they are at the forefront of the use of solar energy. In Germany, the Organic Agriculture Act (OkoLandbaugesetz, OLG) was adopted on July 15, 2002 and was amended in 2009 to comply with the requirements of the new EU Organic Agriculture legislation.

In the Republic of Kazakhstan, a number of measures are being taken to promote sustainable development and green legislation. In Kazakhstan, the Law «On the Production and Circulation of Organic Products» was adopted in 2024 (https://online.zakon.kz/Document/?doc_id=32616599). The state supports producers of organic products. The country has adopted a development strategy until 2030.

Article 228, paragraph 2 of the Environmental Code of the Republic of Kazakhstan states that «soil layer (soil) is an independent natural-historical organic-mineral natural body formed on the surface of the earth as a result of the long-term influence of biotic, abiotic and anthropogenic factors, consisting of mineral and organic solid particles, water and air, and having its own unique genetic and morphological characteristics and properties that create appropriate conditions for the growth and development of plants». Environmental standards for soil quality are established for chemical indicators in the form of maximum permissible concentrations of pollutants in the soil. According to the Environmental Code of the Republic of Kazakhstan, a pollutant is understood as the maximum amount (mass) of a chemical substance, exceeding which it becomes unsuitable for one or more types of land use, causes deterioration of natural environment components or disrupts the stability and biodiversity of ecological systems. In addition, the Environmental Code of the Republic of Kazakhstan establishes environmental requirements for the use of agricultural land, certifies specific legal instruments for the ecologization of agricultural production (<https://online.zakon.kz>).

The rapid growth of the market and consumer interest in organic products led to the adoption of Council Regulation (EEC) No. 2092/1991 in the European Union countries in the 1980s. This was the first European standard to set minimum requirements for organic labelling, harmonising and defining the various national standards for crop production and, later, animal production.

Many European countries have additional national standards for organic production, which define general administrative procedures (e.g. registration of producers and control bodies), specify sanctions, the use of organic logos, or set standards for production activities not covered by EU legislation.

Since September 2001, all organic agricultural and food products have been labelled with the German national organic logo, the Bio-Siegel (Bio-Siegel, German for «organic seal»), and currently more than 70,000 products in Germany carry the «Bio-Siegel» logo. Producers can also use the German «Bio» logo or other individual organic brand names in conjunction with the common European organic logo, which is mandatory for products in the EU (Grigoruk, Klimov., 2016 : 30-32).

The problem with the current legislation of the Republic of Kazakhstan is that these mechanisms have not been resolved and no economic incentives for their use have been provided. In addition, eco-labeling is a voluntary activity for agricultural producers, and these relations are regulated by the Law of the Republic of Kazakhstan «On the Production and Circulation of Organic Products» (<https://online.zakon.kz/>).

Conclusion

Ecologicalization of agricultural production is one of the ways to ensure sustainable development. In Kazakhstan, organic products are produced on 350 thousand hectares. This is only 1.5 percent of the country's total arable land. Scientists say that it is necessary to master new technologies to increase production volumes.

In conclusion, we can draw the following conclusion: in order to transform the food system of Kazakhstan, it is necessary to legislatively establish the principle of sustainable development in agricultural production. To do this, it is necessary to make amendments to Article 4 of the Land Code of the Republic of Kazakhstan and Article 3 of the Law of the Republic of Kazakhstan «On State Regulation of the Development of the Agro-Industrial Complex and Rural Territories» in order to ensure the sustainable development and preservation of ecosystems.

Considering that the demand for environmentally friendly products is increasing every year, in order to provide consumers with a high-quality product without additives, in addition to preparing the land and products, it is necessary to undergo an examination in accordance with world standards. We need to attract new technologies, new innovations, new ideas from the world. We need to produce new

organic products using new technologies and certify them. We need to bring these products into line with the requirements of world standards.

We need to attract new technologies, new innovations, new ideas from around the world. We need to produce agricultural products using new technologies, new organic products, and certify them. We need to bring those products into line with world standards.

Our country is interested in developing organic agriculture, which contributes to the creation of high-margin agricultural production and the improvement of the quality of economic growth in the agricultural sector, which corresponds to the global trend of healthy and nutritious food production. This will allow expanding the export of agricultural products, creating conditions for the formation of diversified and sustainable agricultural systems, increasing the profitability of small-scale farms, and reducing

the dependence of agricultural producers on expensive resources and resource-intensive practices.

On June 10, 2024, a new law «On the Production and Circulation of Organic Products» was adopted, which expands the scope of legislation in the field of production and circulation of organic products, clarifies previous scientific terms, and introduces new concepts. Article 4 of the aforementioned Law should introduce the principle of ensuring sustainable development.

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