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Controversial Issues in the Practice of the Republic of Kazakhstan Law Application in the Sphere of Subsoil Use

Summary

Declaration of Kazakhstan as a democratic secular legal and social state by the Constitution of the Republic of Kazakhstan adopted on 30 August 1995 at a Republican referendum predetermines the necessity of further strengthening of the evolved market relations and democratic institutions in the society, development and expansion of international economic cooperation. Microeconomic stability that is the basis for successful development of the state also includes, alongside with political measures, openness in the external trade, encouragement of export, minimum restrictions in import, optimal rate of exchange and favorable conditions for external investments.

Key words: development, of subsoil, resolution, legislative base

It is no secret that up to now the "locomotive" of the country's economy is the state's raw materials branch against a background of high world prices of hydrocarbons that is successfully developing as a result of an attractive investment climate and positive legislative base available. The sphere of subsoil use in Kazakhstan remains one of priorities on whose development, and it may be said without exaggerations, the success of the whole economy of our country depends. It was the attraction of foreign investments into the sphere of subsoil use early last decade that allowed resolution of the most difficult tasks on implementing social and economic transformations. And now, when the Republic of Kazakhstan has reliably enforced its political and economic status in the whole Eurasian space and successfully develops market institutions, this sphere of economy continues to be the basis for the country's economic security. Speaking about legal regulation of the subsoil use sphere, one should note that in our country a good legislative base is created that is the basis of its successful development.

Let us recall 1995, a period of parliamentary and governmental crisis, where not only the economy but also the country's political destiny found itself under a threat. Exactly then, knowing the importance of the subsoil use sphere development for the country and people, the Republic of Kazakhstan's President N.A. Nazarbayev, proceeding from the extraordinary powers granted to him issued a number of Decrees having the force of law that became the foundation for the legal base regulating relations in the subsoil use area. These Decrees are as follows: "On Licensing", "On Subsoil and Subsoil Use", "On Oil", "On Taxes and Other Obligatory Payments" etc. Further on, these Decrees were amended and received the status of the country's laws; and a number of other statutory, governmental and departmental legal acts regulating complex relations in the subsoil use sphere were passed.

It should be said that since the largest foreign investments were engaged into the sphere of economy, relations in it are regulated by legal acts dedicated to the use and protection of investments. I.e., there exists a complex system of legal acts on whose correct application the success of subsoil use development depends. Due to this, it is difficult to agree with those who think that there are no laws in the Republic of Kazakhstan that would correctly and effectively regulate relations in this sphere of economy. The matter may only concern improvement of the legislation, its further systematization and proper application, reduction of the number of governmental and departmental legal acts sometime contradicting each other and creating conflict situations. Here there is lots of work, up to one's neck.

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The lawmaking prac often changed and supp not follow the tastes of d provisions to regulate b often the laws are chang the original sense of th regulate important and these acts should not b music should be order establish general principl of imperative rules for relations, and they sh approach can we speak

In the meanwhile, subsoil use and enviro practice do not take in international acts and