

**KAZAKH NATIONAL UNIVERSITY  
named after AL-FARABI**

**FACULTY OF LAW**

**DEPARTMENT OF CUSTOMS, FINANCIAL AND ENVIRONMENTAL LAW**

**FINAL EXAM PROGRAM**

**DISCIPLINE 93534/ The Governmental regulation in the field of subsoil use**  
7M04212 Marine and energy law (BSU)

The number of credits - 5

The final exam program was compiled on the basis of educational program in the specialty 7M04212 “Marine and energy law” by Ph.D., lecturer Nakisheva M

Considered and approved at a meeting of the Department of custom, financial and environmental law

"29" 08 2024, Protocol No. 1  
Head of the Department,  
Doctor of Law, Professor

G.A. Kuanalieva

"02" 09 2024, Protocol No. 1  
Chairman of the Academic Committee  
on the Quality of education and Training



A.A. Urisbayeva

"02" 09 2024, Protocol No. 1  
Presented at the Academic Council of the Faculty  
Academic Secretary

G.M. Atakhanova

## Introduction

Studying in the master's program is carried out in accordance with the State Standard of Compulsory Education of the Republic of Kazakhstan and academic policy, the study of the discipline ends with a final exam, which consists of passing the exam. Only undergraduates who have scored the appropriate points upon completion of the educational process in the discipline in accordance with the curricula and working curricula of the master program are allowed to the examination and final control. The exam is held on the dates specified in the Academic calendar and the working curriculum.

Undergraduates who have received an unsatisfactory grade, passing the final control for this period is allowed only with the payment of the loan and re-training. An appeal is possible. A graduate student who received an unsatisfactory grade on the exam results is registered for re-training by order of the university, if he received 25 points for the exam, then FX retake. Documents for health reasons issued after receiving an unsatisfactory grade are not considered. Retaking an exam to encourage grades is not allowed.

Final exam on “The Governmental regulation in the field of subsoil use” will be held in verbal form online, in according to exam schedule.

### **Description of the forms of conducting final control (exam).**

1. For admission to the exam, you must score at least 50 points for the current performance in the discipline (Level control 1, intermediate control, arithmetic mean, level control 2).
2. Master students studying on a paid basis for admission to the exam should not have debts in tuition fees.
3. The exam is conducted verbally. The form and schedule of the exam are indicated in the Univer system.
4. During the exam, it is strictly forbidden to use or receive cheat sheets, mobile phones, smart watches and other means for transmitting information, communicate with other students and strangers and / or make other identification records in response.
5. The use of additional information during verbal examination is strictly prohibited.
6. The undergraduate does not have the right to open a ticket in front of the examining teacher to take the exam.
7. The exam is held online via service on the corporate Microsoft Teams platform of Al-Farabi KazNU or in case of technical problems, external ZOOM resources. During the oral examination, video recording is mandatory. The examination score can be canceled in case of violations this procedure by the undergraduate.

8. At the end of the exam, the points scored by students within 48 hours are put on the certification sheet.

### **Guidelines for taking the oral exam online**

1. Final control (exam) will be held in the service on the corporate Microsoft Teams platform of Al-Farabi KazNU or in case of technical problems, external ZOOM resources. The process of passing an verbal exam by a student involves the automatic creation of an examination ticket, to which the student must answer verbally by the examination committee. During the verbal examination, video recording is mandatory.

2. Duration of the exam: The preparation time is decided by the examiner or the examination board. The response time is decided by the examiner or the examination committee. Recommended 15-20 to answer all ticket questions.

3. Exam tickets in IS Univer are generated automatically.

4. 30 minutes before the start of the exam, ALL students of the group enter the video conference room organized by the teacher or members of the commission according to the link specified in the rules of the final exam (sent by the teacher / members of the commission in case of disruption of the video communication service).

5. 30 minutes before the start of the exam, they check the possibility of entering the Univer.kaznu.kz system through any browser, but preferably through Google Chrome (in case of losing the login and / or password, the student must contact the curator-adviser before the start of the exam). After verification, they log out of the account pending an invitation from the commission.

6. When the start time of the exam comes, the student, who is called by the commission, shows his identity card (identity card or passport. It is forbidden to take the exam by ID-card) on the camera. Includes screen sharing. Logs into your account in IS Univer goes to the "Exam Schedule" page selects the current exam - by clicking on the "Pass oral exam" button. After clicking on the link "Pass the oral exam" a window will open where the student will see the questions of his examination card. The student shows the screen with the ticket questions, reads them aloud. Transfers the display of the videoconferencing service to the camera and prepares for the answer and after preparation for the period of time set by the teacher or the commission answers the ticket questions.

7. If for technical reasons (power outage, disconnection or low Internet speed) a student who has already opened his ticket is absent from the online exam for more than 10 minutes, then his answer will be canceled. The exam is postponed to another date in agreement with the Department of Academic Affairs.

8. The examination committee and the teacher certify the participants of the exam. They put points in the final sheet in IS Univer. Time for setting points in the

attestation sheet for the oral exam is 48 hours. Exam rules: To pass the testing exam, students must first familiarize themselves with all the requirements for conducting an oral exam.

All instructions are uploaded: [https://drive.google.com/file/d/1u\\_TOKL2MZiJsE3EJluDNNv\\_68WXb4rG/view?usp=sharing](https://drive.google.com/file/d/1u_TOKL2MZiJsE3EJluDNNv_68WXb4rG/view?usp=sharing) With the date and time of the exam, students must

### Assessment policy:

Criteria-based assessment: assessment of learning outcomes in accordance with descriptors, checking the formation of competencies (learning outcomes) at intermediate control and exams.

Examination answers are evaluated on a 100-point scale, taking into account the degree of completeness of the undergraduate's answer:

Grade	Criteria
Excellent	1. Correct and complete answers to all theoretical questions are given; 2. Completely solved practical task; 3. The material is presented correctly in a logical sequence; 4. Demonstrated creativity.
good	1. Correct but incomplete answers to all theoretical questions are given, minor errors or inaccuracies are made; 2. The practical task was completed, but a minor mistake was made; 3. The material is presented correctly in a logical sequence.
Satisfactory	1. Answers to theoretical questions are in principle correct, but incomplete, there are inaccuracies in the wording and logical errors; 2. The practical task has not been fully completed; 3. The material is presented correctly, no logical sequence
Unsatisfactory	1. Answers to theoretical questions contain gross errors; 2. The practical task has not been completed; 3. In the presentation of the answer, grammatical and terminological errors were made, no logical sequence

Letter grade	Digital equivalent	Scores in percentage (%)	Grade under traditional system
A	4	95-100	Excellent
A-	3,67	94-90	
B+	3,33	85-89	good
B	3,0	80-84	
B-	2,67	75-79	
C+	2,33	70-74	satisfactory
C	2,0	65-69	
C-	1,67	60-64	
D+	1,33	55-59	

D-	1,0	50-54	
FX	0,5	25-49	unsatisfactory
F	0	0-24	

### Themes

- 1. General legal provisions on subsoil use.**
  - 1.1. The legal definition of subsoil, subsoil resources.
  - 1.2. The concept of minerals and their classification.
  - 1.3. Technogenic mineral formations, rights to technogenic mineral formations
  - 1.4. Deposits and their classification
  - 1.5. Ownership of extracted minerals
  - 1.6. Subsoil space
- 2. Subsoil use. Basic concepts and definitions.**
  - 2.1. Concept and content of subsoil use rights
  - 2.2. Subjects of subsoil use rights.
  - 2.3. Grounds for the emergence and acquisition of subsoil use rights
  - 2.4. Grounds for termination of subsoil use rights.
  - 2.5.** Types of subsoil use operations.
- 3. The history of the development of the legislation in subsoil use**
  - 3.1. History and the main stages of development of Kazakhstan's subsoil law.
  - 3.2. The purpose and objectives of the legislation of the Republic of Kazakhstan on subsoil and subsoil use.
  - 3.3. Principles of legislation of the Republic of Kazakhstan on subsoil and subsoil use
- 4. Licensing regime for subsoil use**
  - 4.1. The concept of a subsoil use license
  - 4.2. Types and content of subsoil use licenses
  - 4.3. Termination of the subsoil use license.
  - 4.4. Invalidity of a license and consequences of its invalidity
- 5. Contract regime for subsoil use**
  - 5.1. The concept and content of a subsoil use contract
  - 5.2. Termination of the subsoil use contract
  - 5.3. Invalidity of a subsoil use contract and its consequences
- 6. Transfer of subsoil use rights**
  - 6.1. Transfer of subsoil use rights.
  - 6.2. The concept of objects related to subsoil use rights. Its transfer.
  - 6.3. The priority right of the state
  - 6.4. The operator in the field subsoil use
- 7. Safe use of subsoil**
  - 7.1. Safety requirements when carrying out operations subsoil use
  - 7.2. Environmental safety during operations subsoil use.
  - 7.3. Industrial safety during operations subsoil use.

#### 7.4. General provisions on liquidation of consequences of subsoil use

Financing of liquidation of consequences of subsoil use. Guarantee as security for liquidation. Bank deposit pledge as ensuring liquidation. Insurance as liquidation security

### **8. State administration in the field of subsoil use**

- 8.1. System of state bodies in the field of subsoil use
- 8. 2. Control and notifications in the field of subsoil use
- 8. 3. State Subsoil Fund

### **9. Legal regulation of the use of geological information about the subsoil**

- 9.1. Consider the main types of geological study of the subsoil.
- 9.2. Discuss the types of geological information.

### **10. Legal regulation of payments for subsoil use**

- 10.1. Consider payments that do not depend on the type of subsoil use.
- 10.2. Consider payments depending on the type of subsoil use

### **11. Audit and insurance in the field of subsoil use**

#### **12. Taxation in the field of subsoil use**

- 12.1. special payments by subsoil users (signature bonus; commercial discovery bonus; payment for reimbursement of historical costs);
- 12.2. mineral extraction tax;
- 12.3 excess profit tax.

#### **13. Legal responsibility in the field of subsoil use**

- 13.1. Types of offenses in the field of subsoil use and their classification.
- 13.2. Administrative responsibility
- 13.3. Criminal responsibility
- 13.4. Civil Liability
- 13.5 Disciplinary responsibility

#### **14. Settlement of dispute and judicial practice**

- 14.1 Applicable law
- 14.2. Contractual jurisdiction
- 14.3. Arbitrage

#### **15. The international cooperation in the field of subsoil use and protection of subsoil.**

#### **References:**

1. Birnie, Boyle, and Redgwell's International Law and the Environment. Fourth Edition. 2021
2. Н.Б.Мухитдинов, А.Ж.Тукеев, С.П.Мороз. Горное право Республики Казахстан. - Алма-Ата,1992.
3. Мухитдинов Н.Б. Избранные труды в 9 томах. Т.3.: Горное право Республики Казахстан. - Алматы, 2011.
4. Мухитдинов Н.Б., Мороз С.П. Горное право Республики Казахстан: Учебное пособие. - Алматы: Юрист, 2004.

5. Елюбаев Ж. Проблемы правового регулирования недропользования: отечественный опыт и зарубежная практика: Монография. - Алматы: Печатный дом «Колесо», 2010.

6 Боярко Г.Ю. Основы горного права России. - Томск: Изд-во Томского университета. 2000.

7. Перчик А.И. Горное право. - М.: Издательский дом «ФИЛОЛОГИЯ ТРИ», 2002.

8. Г.Б.Ахмеджанова, Правовые основы охраны недр в Республике Казахстан. - Павлодар, 2005.

9. The Code of Republic of Kazakhstan “On Subsoil and Subsoil use” dated 27 December 2017

10. Environmental Code of the Republic of Kazakhstan dated 2 January, 2021 № 400-VI ЗРК.

6. Internet resources: additional educational materials, regulatory legal acts, and other regulatory materials can be used from the univer. kaznu website.kz; <http://elibrary.kaznu.kz/ru>, <https://adilet.zan.kz/kaz/>, [www.un.org](http://www.un.org)

**Rubricator of criteria-based assessment of final control**  
**Discipline: The Governmental regulation in the field of**  
**subsoil use**

**Form: standard (oral). Platform: US Univer**

1 question. Maximum score – 33.						
No.	Score	DESCRIPTORS				
		"Great"	"Fine"	"Satisfactorily"	"Unsatisfactory"	
Criterion		27-33 points	20-26 points	14-19 points	7-13 points	0-6 points
1	Understanding the theories and concepts and the main issues of the discipline	The grade "excellent" is given for an answer that contains an exhaustive disclosure of the question, detailed argumentation for each conclusion and statement, is constructed logically and consistently, supported by examples from the developed topics of classroom lessons , which contains a complete vision of the main problems of the discipline, in which the causes of problematic phenomena and a complete description of	The grade "good" is given for an answer that contains a full but not exhaustive coverage of the issue, a shortened argumentation of the main provisions, and allows for a violation of the logic and sequence of presentation of the material. The answer allows for stylistic errors, inaccurate use of terms , which contains a vision of most of the problems, but allows for violations of the	The grade “satisfactory” is given for an answer that does not fully cover the questions asked in the ticket, superficially argues the main points, allows for compositional disproportions in the presentation, violations of logic and consistency in the presentation of the material, does not illustrate theoretical positions with examples from the developed notes of classroom lessons , which superficially sets out the causes of problematic	Incorrect coverage of the issues raised, erroneous argumentation, factual and written errors, admission of an incorrect conclusion . Incorrect coverage of the issues raised problems, faulty reasoning, factual and linguistic errors, making a false conclusion	Ignorance of basic concepts, theories, concepts; violation of the rules for conducting final control . Ignorance of basic concepts, theories, concepts; Violation of the Rules for conducting final control

		their solutions are visible	sequence of presentation of the material	phenomena, there are no examples and the logic in the presentation of ways to solve problematic situations is violated		
2	<b>2 question. Maximum score - 33</b>					
	<b>Score</b>	<b>DESCRIPTORS</b>				
		"Great"	"Fine"	"Satisfactorily"	"Unsatisfactory"	
	<b>Criterion</b>	27-33 points	20-26 points	14-19 points	7-13 points	0-6 points
Application of practice and use of theoretical knowledge		Complete completion of the educational task, a detailed, reasoned answer to the question posed, followed by solving practical problems of the course; A detailed, reasoned answer using all the theoretical knowledge acquired	Partial completion of the assignment, incomplete, sometimes reasoned answer to the question posed with incomplete solution of practical problems of the course; illiterate use of scientific language standards for the course Partial completion of the educational task, insufficiently clear argumentation of the completed task	The material is presented fragmentarily, with a violation of logical sequence, factual and semantic inaccuracies are allowed, theoretical knowledge of the course is used superficially The assignment was completed incompletely, fragmentarily, factual and semantic inaccuracies were allowed, theoretical knowledge of the course was used superficially	An irrational method of solving a task or an insufficiently thought-out plan for answering; inability to solve tasks, to complete tasks in general; making more mistakes and omissions than is normal The task was completed with gross errors, the answers to the questions were incomplete, the conceptual material and argumentation were poorly used.	The task was not completed, there were no answers to the questions posed, and the materials and analysis tools were not used. inability to draw conclusions and generalizations. Violation of the Rules for conducting final control Violation of the Rules for conducting final control

Question 3. Maximum score - 34					
Score	DESCRIPTORS				
	"Great"	"Fine"	"Satisfactorily"	"Unsatisfactory"	
Criterion	28-34 points	21 - 27 points	15 - 20 points	8 - 14 points	0 - 7 points
3 Problem solving . Practical recommendations	Consistent, logical and correct substantiation of scientific provisions and applied methods and technology, literacy, compliance with the norms of scientific language . Clear solution of the task, logically substantiated methods and recommendations for improving legislation	1-2 inaccuracies in the use of conceptual material, minor errors in generalizations and conclusions that do not affect the good overall level of the answer are allowed .	The conclusions on the applicability of substantiated scientific provisions are vague and unconvincing, there are stylistic and grammatical errors, as well as inaccuracies in the processing of the results of practical work.	The task was completed with gross errors, the answers to the questions were incomplete, the conceptual material and argumentation were poorly used.	The task is not completed, there are no answers to the questions posed, materials and analysis tools were not used. Violation of the Rules for conducting the final assessment

**Formula for calculating the final grade:**

Final grade (FG) = Score for question 1 + Score for question 2 + Score for question 3 = Score for exam