

**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)



**CRITERIA-BASED ASSESSMENT RUBRICATOR OF FINAL CONTROL**

**Discipline: The Governmental regulation in the field of subsoil use. Form: verbal (online). Platform: ZOOM.**

№	Балл	DESCRIPTORS				
		«excellent»	«good»	«satisfied»	«unsatisfactory»	
		90-100%	70-89%	50-69%	25-49%	0-24%
Criterion						
1	Understanding the general characteristics and types of alternative source of energy	Deep understanding of the nature of legal regulation of alternative source of energy. Relevant and appropriate references (citations) to primary sources.	Understanding of legal regulation of alternative source of energy. Relevant and appropriate references (citations) to primary sources.	Average understanding legal regulation of alternative source of energy. Relevant and appropriate references (citations) to primary sources.	Limited understanding of legal regulation of alternative source of energy. Relevant and appropriate references (citations) to primary sources.	Superficial understanding/misunderstanding of the legal regulation of alternative source of energy. Relevant and relevant references (citations) to primary sources are not provided.
	Understanding of the main problem of subsoil use1 legal regulation of alternative source of energy.	It very well connects the comparison of the legislation of the Republic of Kazakhstan in the field of alternative source of energy with international standards. Ideally ground arguments in evidence from empirical research (e.g., comparative legal or statistical analysis).	It very well connects the comparison of the legislation of the Republic of Kazakhstan in the field legal regulation of alternative source of energ with international standards.	Connects the comparison of the legislation of the Republic of Kazakhstan in the field legal regulation of alternative source of energy with international standards. Limited connection between the concepts of the basis of alternative source of energy and Energy law.	Limited use of empirical research evidence.	In comparison with the legislation of the Republic of Kazakhstan regulating legal regulation of alternative source of energy, the connection is insignificant or absent. Little or no empirical research is used.

			Supports arguments with evidence from empirical research.			
	Political proposal or practical recommendations /suggestions	Preparation of competent scientific and/or practical recommendations related to subsoil use.	Offers some considerations and/or practical recommendations and suggestions related alternative source of energy.	Limited practical recommendations. The recommendations are superficial, not based on a thorough analysis, and not critical.	There are few or no practical recommendations, or recommendations of very poor quality.	There are few or no considerations and practical recommendations related to alternative source of energy. recommendations has very poor quality
2	Understand concepts through theory	The general concept of the basic concepts is given	The theoretical concepts of the legal regulation of alternative source of energy is very well connected	The recommendations are superficial, not based on a thorough analysis	recommendations of a very low quality concept	there are very few practical recommendations related to the theoretical concepts of arbitration disputes in Kazakhstan
	Understand the basic questions	Offers some considerations, recommendations in legal regulation of alternative source of energy.	The general concept of the terminology of legal regulation of alternative source of energy	Discloses the content of the rights to develop rules of personal behavior to prevent unjustified initiation of cases	The main theoretical issues are moderately disclosed	The main issues o legal regulation of alternative source of energy are poorly disclosed
	Suggestion or practical suggestions/recommendations	The comparison of the legislation of the Republic of Kazakhstan regulating the legal regulation of alternative source of energy with Energy law is very well connected	Supports arguments with empirical research facts	Well demonstrates the clarity, accuracy and correctness of the legal regulation of alternative source of energy with Energy law is very	Limited use of empirical research evidence	Little or no empirical research is used.
3	Understand concepts through theory	Ideal substantiation of arguments by empirical research facts	Connects concepts with theory very well	connects concepts with theory well	Limited use of proofs in theory	They don 't use concepts at all
	Understand the basic questions	Ideal argumentation of the main issues	It connects concepts well with scientific data.	Limited use of evidence	The answers do not correspond to the main question	The basic answers are of very poor quality.
	oral, style, speech literacy	Verbally demonstrates clarity, accuracy and	Verbally demonstrates	Verbally there are some basic errors and clarity	It is unclear what is written, the questions	It is unclear what is written, it is difficult to keep up with the

		correctness. Strictly adheres to APA style.	clarity, accuracy and correctness. Basically adheres to APA style.	needs to be improved. There are errors in following APA style.	do not correspond to the answer	content. There are many mistakes in following APA style.
--	--	---	--	--	---------------------------------	--

Formula for calculating the final grade:

+Final grade (KB) = (B1+B2+B3+B4+B5+B6+B7+B8+B9+B10) / 6K, here B is the scoring criterion, K is the general assessment criterion.

### Example of calculating the final score

№	Score	«Excellent»	«Good»	«Satisfactory»	«Unsatisfactory»	
		90-100 %	70-89%	50-69%	25-49%	0-24%
1.	Criteria 1	100				
2.	Criteria 2		75			
3.	Criteria 3			60		
4.	Criteria 4				45	
5.	Criteria 5	100				
6.	Criteria 6				49	
	<b>Final %</b>	<b>200</b>	<b>75</b>	<b>60</b>	<b>94</b>	200+ 75 + 60 + 94 = <b>429</b>

						<b>429 / 6 criteria= 71,5</b>
						<b>Final score, as % = 72</b>

Based on percentage obtained during the calculation, we can compare the score with the rating scale.

**72 points** range from 70 points to 89 points, which corresponds to the “Good” category according to the grading scale.

Thus, with this calculation, the project will be rated **72 points “Good”** in accordance with the point-rating letter system for assessing educational achievements

students with their transfer to the traditional grading scale and ECTS.