

Kazakh Property Law of 6/91

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LAW OF THE KAZAKH SOVIET SOCIALIST REPUBLIC

” On property in the Kazakh SSR ”

PART I. GENERAL REGULATIONS.

Article 1. The right of ownership.

1. The right of ownership is recognized and protected by law right of a subject to possess, use and run the belonging to him property at his discretion.

2. The right to possess is a possibility to accomplish a possession of a thing.

The right to possess is a possibility to derive useful natural qualities from a thing, to appropriate profits of it as well as to obtain other advantages.

The right to possess is a possibility to determine factual or legal destiny of a thing.

3. A proprietor may pass his authorities to possess, use and run the property to another person, to turn over his property to another person for ownership or management as well as be entitled to accomplish any actions as regards his property, not contradicting law. They may use his property to carry out any economic or other activity not prohibited by law.

4. In accordance with legislative acts of the Kazakh SSR a proprietor shall be entitled to conclude agreements with citizens on the use of their labour.

Regardless of a form of the property, on the basis of which a citizen's labour is used, he shall be provided with a salary and conditions for work as well as with other social and economic guarantees stipulated by the existing legislation.

5. Realization of the right of ownership should not cause any damage to the environment, violate rights and protected by law interests of citizens, legal entities and the state.

6. Proprietary relations shall be regulated by the Constitution of the Kazakh SSR and this law.

7. Peculiarities of realization of the right of ownership for historical and cultural monuments as well as relations to formation and use of inventions, discoveries, scientific, literary, art works and of other objects of intellectual ownership shall be regulated by a special legislation of the Kazakh SSR.

Article 2. Objects of the right of ownership.

1. As objects of the right of ownership shall be regarded earth, its bowels, rivers and lakes, air space, flora and fauna, other natural resources, enterprises, buildings, constructions, equipment, raw materials, money, foreign currencies including, stocks, other securities and properties.

2. Results of the use of proprietary objects (products and incomes) shall belong to their owners.

Article 3. Subjects of the right of ownership.

1. As subjects of the right of ownership of citizens shall be citizens of the Kazakh SSR, of the Union of SSR, citizens of other Union republics as well as persons not admitted to the citizenship.

2. As subjects of the right of collective property shall be legal entities of the Kazakh SSR, the Union of SSR, as well as of other Union republics.

3. As the subjects of the right of the state property in the territory of the republic shall be the Kazakh SSR as a sovereign state.

In the name of the Kazakh SSR possession, use and management of the state property shall be accomplished by Soviets of People's Deputies on all levels.

As subjects of the right of the state property in the territory of the republic may be, on terms and in bounds stipulated by the legislation of the Kazakh SSR, the Union of SSR, union and autonomous districts (okrugs), administrative and territorial formations of other Union republics.

4. As subjects of the right of ownership in the Kazakh SSR shall be entitled to act foreign states, international organizations, foreign legal entities and citizens on terms and in bounds stipulated by the legislation of the Kazakh SSR.

Article 4. The right of complete economic control and the right for effective management.

1. A proprietor may pass his property for the full economic control to the set up by him enterprise which has the rights of a legal entity.

An enterprise having a property attached on the basis of the right for full economic control shall exercise the rights and duties of a proprietor in connection with this property.

A proprietor or persons authorized by him shall solve questions of setting up an enterprise and of determining aims of its activity, of its reorganization and liquidation, shall carry out control over

effectivity of the utilization and preservation of the property by the enterprise in conformity with the legislation and foundation documents of the enterprise.

A proprietor shall have the right to a part of incomes received from the utilization of a set up by him enterprise's property.

2. A proprietor may pass its property for effective management to a set up by him enterprise financed at the expense of the proprietor and having the rights of a legal entity. Such an enterprise shall exercise, in limits established by the legislative acts and in accordance with aims of its activities, tasks of the proprietor and functions of the property, the rights of ownership, utilization and management of this property.

An owner of an attached to an enterprise property shall be entitled to withdraw this property or to redistribute it among other set up by him legal entities at his own discretion in accordance with the legislation.

Enterprises exercising allowed to them by an owner-entrepreneurial activities shall be entitled to manage independently incomes of this activities and properties purchased due to these profits and belonging to them on the basis of the full economic control right.

Article 5. Proceeding against properties of an owner.

1. On obligations of a legal entity penalties may be included on any property belonging to him in the exercise of this right of ownership or of full economic control and of effective management.

An owner shall not be liable on obligations of set up by him legal entities while they shall not be liable on obligations of the owner except the cases stipulated by the legislative acts of the Kazakh SSR.

2. Citizens shall be liable on their obligations in all the property belonging to them on the basis of the proprietary right.

The list of properties belonging to citizens which could not be put to penalty as a result of creditors' claims shall be established by the legislation of the Kazakh SSR.

Article 6. Forms of properties.

1. Property in the Kazakh SSR may be in the form of citizens' property, collective and state properties.

2. Transformation of one form of property into another as well as setting up of mixed forms of properties shall be possible.

3. A property may be in the form of common property of several owners with determination of a share of each of them (shared property) in the proprietary right and without determination of shares (joint property).

PART II. CITIZENS' PROPERTY

Article 7. Citizens' property.

1. To citizens' property belong products of intellectual and material activities, enterprises, material objects, including things of private use, means of production, patents, licences, money, including foreign currencies, shares, other securities and properties.

2. Citizens' property may be in the following forms:

- own, to satisfy physical and intellectual requirements of citizens without profits extraction;
- private aimed for profits extraction.

3. Citizens' property shall be created and multiplied by their labour earnings, by their participation in social production, by running own farms, incomes from private properties and assets invested into credit, insurance and other establishments, shares and other securities, by acquiring inherited properties or on other grounds admitted by law.

4. Citizens shall be entitled with an owner's consent to make monetary or other contributions to his enterprise's or farm's property and to participate in incomes (profits) distribution of such enterprise of farm in proportion to the amount of this contribution or in amounts defined by the appropriate agreement.

5. A member of a housing, a house - constructing, a country housing, a garage or other cooperative societies, having paid a full share fee for a flat, a country house, a garage or other construction or a dwelling granted him for use shall acquire the proprietary right for this property as soon as the full payment is done.

A tenant of dwelling in a house of the state or public dwelling fund and members of his family shall be entitled to redeem the appropriate flat or house from their owner.

6. Principles of this article shall be spread also on properties of foreign citizens located in the territory of the Kazakh SSR.

Article 8. Properties of working and peasant farms.

1. Properties of working and peasants farms shall include any objects necessary for independent farm running, except the prohibited by the legislation of the Kazakh SSR.

2. Properties of working farms including manufactured products and received incomes shall be common share of a family members and other persons running jointly, if nothing else is stipulated by their agreement.

3. The property of a peasant farm shall belong to members on the basis of common joint property.

PART III. COLLECTIVE PROPERTY.

Article 9. General principles of collective properties.

1. To the collective property belongs a property of leaseholding and collective enterprises, collective farmers and of other types of cooperative societies, stock companies, economic societies and associations, social organizations and of other associations being legal entities.

2. Formation and further augmentation of collective properties shall be provided by letting state enterprises on lease, granting opportunities to use received incomes for purchasing state enterprises by their bodies of workers, by transformation of state enterprises into stock societies, by voluntary joining of citizens' and legal entities' properties for formation of cooperative societies, stock companies, other economic societies and associations.

Article 10. Properties of a leaseholding enterprises.

1. Properties of leaseholding enterprises include manufactured products, received incomes and other purchased for at the account of these enterprises properties.

2. The order and terms of participation of members of the body of workers of a householding enterprise in the management of its activities and in the distribution of profits (incomes) shall be defined by the legislation on lease.

Article 11. Properties of a collective enterprise.

1. Properties of a collective enterprise shall appear in case of transfer of all properties of a state enterprise into its working collective's property, purchase of a lease property or purchase of properties by other stipulated by law methods.

2. Within a property of a collective enterprise shall be defined investments of its workers. Such an investment includes a sum of a worker's investment to the property of a state or lease enterprise on which base a collective enterprise is formed, as well as a worker's contribution to the increment of this enterprise's property after its setting up.

An amount of a worker's contribution to the increment of the enterprise's property shall be defined on the basis of his labour participation in the enterprise's activities.

A worker's contribution to the collective enterprise shall be charged and paid interests from in amounts defined by the working personnel proceeding from results of the enterprise's economic activities.

A worker ceasing its labour relations with an enterprise and heirs of a died worker shall be paid the contribution's value and an appropriate interest.

At a collective enterprise's liquidation its workers (their heirs) shall be paid their contributions' value from the properties remaining after settlements with the budget, banks and other credit enterprises.

Article 12. Properties of collective farms and of other types of cooperative societies.

1. Properties of collective farms and other types of cooperative societies shall include objects formed by means of monetary and property contributions of their members, of manufactured by them products of incomes, received from selling, and of other activities stipulated by the charter of a collective farm or of other type of cooperative societies.

2. At the liquidation of a collective farm or of other type of cooperative societies properties remaining after settlement with the budget, banks and other creditors shall be distributed among the members of this collective farm or of other types of cooperative societies.

Article 13. Properties of economic societies and companies.

1. Properties of economic societies and companies having the rights of legal entities, shall include objects formed by means of partners, contributions and by means of properties received as results of economic activities and purchased by them on other grounds provided by law.

2. As partners within economic societies and companies may be enterprises, establishments, organizations, the state bodies and citizens.

Article 14. Properties of stock companies.

1. Properties of stock companies shall include properties formed by selling shares and by exercising economic activities and purchased by them on other grounds provided by law.

2. As stockholders' may be enterprises, establishments, organizations and the state bodies.

Shares may be also held by workers of a certain company and by citizens, if nothing else is provided by the charter of this company.

3. A state enterprise may be on a mutual decision of its workers collective and of an authorized state body transformed into a stock society by issuing shares equal to the cost of the enterprise's property. Assets received from shares sale less paid debts of the state enterprise shall be entered to the appropriate budget.

Article 15. Properties of associations and societies.

1. Proprieties of associations and societies shall include properties voluntarily passed to them by enterprises and organizations as well as received as a result of their economic activities.

2. Associations and societies shall not have the proprietary rights for properties of enterprises and organizations that comprise them.

3. Properties remaining after cessation of associations and organizations activities shall be distributed among enterprises and organizations that comprise them.

Article 16. Properties of social organizations and funds.

1. Properties of social organizations and funds shall include objects, necessary for material security of activities provided by their charters (regulations), and enterprises formed at the expense of their assets.

2. Properties remaining after liquidation of a social organization and a fund shall be used for purposes provided by their charter.

Article 17. Properties of religious organizations.

1. Properties of religious organizations shall include buildings, articles of cult, objects of productive, social and benevolent purpose, monetary assets and other properties necessary for their activities ensuring.

2. Religious organizations shall have the proprietary rights for properties purchased and formed by them at the expense of own assets, donated by citizens, organizations or passed by the state and purchased on grounds not contradicting the law.

PART IV. THE STATE PROPERTY

Article 18. General principles on the state property

1. The state property of the Kazakh SSR shall be in the form of the republican and communal property.

2. In the name of the Kazakh SSR possession, use and management of the state property shall be exercised by appropriate Soviets of People's Deputies directly or through authorized by them executive bodies.

Soviets of People's Deputies at all levels shall be equal in exercising authorities upon objects of the state property which are under their control and shall manage them using their discretion within the frameworks of the laws of the Kazakh SSR.

Article 19. The property of the Kazakh SSR.

1. Earth, its bowels, rivers and lakes, air space, flora and fauna, other natural resources, historic and cultural monuments shall exclusively belong to the Kazakh SSR.

The property of the Kazakh SSR shall also include the property of the bodies of power and governing of the Kazakh SSR, assets of the republican budget, the republican banks, the republican insurance, reserve and other funds as well as enterprises and proprietary complexes of the republican significance and other property (including located outside the borders of the republic) except those mentioned in the article 20, ensuring the sovereignty of the republic, its social and economic development.

2. In the name of the Kazakh SSR possession, use and management of the republican property shall be carried by the Supreme Soviet of the Kazakh SSR directly or through authorized by them state bodies.

Article 20. The communal property.

1. The communal property shall include the property of the bodies of power and governing of administrative and territorial formations assets of the local budget, the housing fund and the municipal property of a local Soviet of People's Deputies as well as it may include enterprises of the agriculture, trade, service, industry, constructing and other enterprises and complexes, establishments of the national education, culture, health services and other property necessary for economic and social development and for accomplishment of other tasks facing appropriate administrative and territorial formations in accordance with the legislation of the Kazakh SSR on the local self-governing.

2. In the name of population of administrative and territorial formations possession, use and management of objects of the communal property shall be carried out by local Soviets of People's Deputies directly or through authorized by them executive bodies.

3. The right for free management of all enterprises comprising the communal property shall be guaranteed by the special legislation of the Kazakh SSR.

Article 21. The property of the Union of SSR and of the Union republics, the autonomous republics and the autonomous formations.

In the territory of the Kazakh SSR the state property of the Union of SSR, the Union republics, the autonomous republics and of other autonomous formations shall include objects passed to them in accordance with requirements of the Union treaty, as well as newly formed by them at the expense of budget or other assets.

Article 22. Properties of foreign states.

To the property of foreign states in the territory of the Kazakh SSR may be referred any objects formed and existing in accordance with international agreements and the legislative acts of the Kazakh SSR.

PART V. GUARANTEES, PROTECTION AND RESTRICTIONS OF THE PROPRIETARY RIGHTS.

Article 23. Guarantees and protection of proprietary rights.

1. The Kazakh SSR shall guarantee the stability of proprietary relations, established in accordance with this Law.

2. The Kazakh SSR shall guarantee the equality of all forms and subjects of property before the law and equal protection of their rights.

3. In case of adoption in the Kazakh SSR laws, decrees, resolutions or other normative acts of the republic, resolutions and decisions of local Soviets of People's Deputies, their executive committees, ceasing the proprietary right losses caused to a proprietor by adoption of the above-mentioned acts shall be compensated to the proprietor in the full amount by the body which has taken this decision and by the Kazakh SSR.

4. Withdrawal of an owner's property by the state shall be admitted only if incurring a penalty on this property is accomplished in cases and in the order stipulated by the legislative acts and in the way of requisitioning and confiscation.

5. The Kazakh SSR shall recognize and protect by law citizens' right for properties inheritance.

6. The Kazakh SSR shall protect the rights of all subjects of property of citizens of the Kazakh SSR for their properties located in the territory of other republics and states.

7. The Kazakh SSR shall guarantee protection of foreign citizens' and legal entities' properties located in its territory.

8. Soviets of People's Deputies, authorized by them state bodies and their officials shall provide official registration and stamping of acts, recording changes in the state of a property.

Article 24. Restrictions of proprietary rights.

1. Objects of exclusive property of the Kazakh SSR, indicated in the points of the article 19 of this Law cannot be within citizens' collective or municipal property.

2. There shall be prohibited any restrictions of proprietary rights except those established by the legislation of the Kazakh SSR.

Article 25. Invalidity of acts violating proprietors rights.

If by issuing a contradicting the law act by an organ of the state power or by a local organ of the state power rights of proprietors and of other persons to possess, use and manage belonging them properties are violated such act shall be recognized invalid on the basis of a claim of a proprietor or a person whose rights are violated.

Losses caused to citizens, organizations and other persons as a result of the mentioned acts issue shall be reimbursed an appropriate body of power and governing possess.

President of the Kazakh Soviet Socialist
Republic
N.Nazarbaev.