

ISSN 2518-1467 (Online),
ISSN 1991-3494 (Print)

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
ҰЛТТЫҚ ҒЫЛЫМ АКАДЕМИЯСЫНЫҢ

Х А Б А Р Ш Ы С Ы

ВЕСТНИК

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК
РЕСПУБЛИКИ КАЗАХСТАН

THE BULLETIN

THE NATIONAL ACADEMY OF SCIENCES
OF THE REPUBLIC OF KAZAKHSTAN

PUBLISHED SINCE 1944

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SEPTEMBER – OCTOBER 2020

ALMATY, NAS RK

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«Қазақстан Республикасы Ұлттық ғылым академиясының Хабаршысы».

ISSN 2518-1467 (Online),

ISSN 1991-3494 (Print)

Меншіктенуші: «Қазақстан Республикасының Ұлттық ғылым академиясы»РҚБ (Алматы қ.).

Қазақстан Республикасының Ақпарат және коммуникациялар министрлігінің Ақпарат комитетінде 12.02.2018 ж. берілген № 16895-Ж мерзімдік басылым тіркеуіне қойылу туралы куәлік.

Тақырыптық бағыты: *іргелі ғылымдар саласындағы жаңа жетістіктер нәтижелерін жария ету.*

Мерзімділігі: жылына 6 рет.

Тиражы: 2000 дана.

Редакцияның мекенжайы: 050010, Алматы қ., Шевченко көш., 28, 219 бөл., 220, тел.: 272-13-19, 272-13-18,
<http://www.bulletin-science.kz/index.php/en/>

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Типографияның мекенжайы: «NurNaz GRACE», Алматы қ., Рысқұлов көш., 103.

Г л а в н ы й р е д а к т о р
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«Вестник Национальной академии наук Республики Казахстан».

ISSN 2518-1467 (Online),

ISSN 1991-3494 (Print)

Собственник: РОО «Национальная академия наук Республики Казахстан» (г. Алматы).

Свидетельство о постановке на учет периодического печатного издания в Комитете информации Министерства информации и коммуникаций и Республики Казахстан № **16895-Ж**, выданное 12.02.2018 г.

Тематическая направленность: *публикация результатов новых достижений в области фундаментальных наук.*

Периодичность: 6 раз в год.

Тираж: 2000 экземпляров.

Адрес редакции: 050010, г. Алматы, ул. Шевченко, 28, ком. 219, 220, тел. 272-13-19, 272-13-18.

<http://www.bulletin-science.kz/index.php/en/>

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Адрес типографии: «NurNazGRACE», г. Алматы, ул. Рыскулова, 103.

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Bulletin of the National Academy of Sciences of the Republic of Kazakhstan.

ISSN 2518-1467 (Online),

ISSN 1991-3494 (Print)

Owner: RPA "National Academy of Sciences of the Republic of Kazakhstan" (Almaty).

The certificate of registration of a periodical printed publication in the Committee of information of the Ministry of Information and Communications of the Republic of Kazakhstan No. **16895-Ж**, issued on 12.02.2018.

Thematic focus: *publication of the results of new achievements in the field of basic sciences.*

Periodicity: 6 times a year.

Circulation: 2000 copies.

Editorial address: 28, Shevchenko str., of. 219, 220, Almaty, 050010, tel. 272-13-19, 272-13-18,

<http://www.bulletin-science.kz/index.php/en/>

© National Academy of Sciences of the Republic of Kazakhstan, 2020

Address of printing house: «NurNaz GRACE», 103, Ryskulov str, Almaty.

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OPTIMIZATION OF THE BUSINESS PROCESS FOR THE PROVISION OF LAND FOR THE CONSTRUCTION FACILITIES

Abstract. The issue of efficient use of the land, as well as obtaining land from the government is one of the urgent issues in Kazakhstan. The article assesses the current system of public services “Provision of a land plot for the construction of a facility within the boundaries of a populated locality” This public service is provided for the construction of social facilities or the implementation of investor projects that are necessary for economic development. During the analysis, problems such as duplication of functions made by state bodies, dysfunctional system of request according to the principle of “One window”, bureaucracy for the consideration and the approval of a package of documents for granting the land plot were identified. To solve these problems, it was proposed to optimize the business processes of the public service “Provision of a land plot for the construction of a facility within the boundaries of a populated locality”, which allowed reducing the time, excluding duplicate functions, and increasing the transparency of the activities of state bodies.

Key words: reengineering, business process, public services, State Corporation “Government for citizens”, Local Executive body.

Introduction. Urbanization in developing countries is characterized by a mass migration of rural populations to cities in order to find work and live in a more comfortable environment. Kazakhstan belongs to this category. Today, cities such as Nur-Sultan, Almaty, Shymkent and other regional centers are attractive for living (National Report, 2016, p.5). However, population growth in cities creates a problem for the development of agglomerations around them. This is due to the fact that the load on transport and social infrastructure is increasing; there is a shortage of housing and spontaneous construction of the outskirts of the city. The pace of construction does not allow improving the situation of the shortage of housing for needy residents of the capital city.

The solution to these problems is discussed in various strategic state programs of development of Kazakhstan. Thus, the Strategy “Kazakhstan 2050” noted that “we need new effective mechanisms to align the socio-economic conditions in the regions and the development of industrial and production satellite cities around large agglomerations.”(Report of the President of the Republic of Kazakhstan, 2019) In the “Comprehensive development plan of Nur-Sultan”, the development of a consistent urban policy in housing construction, the development of space-saving territories with the provision of favorable living conditions for residents is the main goal (Resolution of the Government, 2018), and the main goal of the development Strategy of “Astana innovations” JSC for 2018-2022 – “to increase the overall satisfaction with the lives of citizens by improving the infrastructure of the city” (Development Strategy, 2018).

What measures should be taken to address these problems? Currently, local executive bodies have long-term plans for the development of the city. The main objectives are to improve the overall level of

comfort of the population, create conditions and incentives for the influx of qualified staff, improve the demographic situation and improve the quality of human capital.

To achieve these goals, the main directions of development of the city are identified, including the integrated development of adjacent territories using the vast potential of the advantages of agglomeration development. The investment promotion, development of entrepreneurship, creation of a favorable environment conducive to competitiveness and creation of new jobs are also identified (Report, 2018).

In this regard, the issue of land allocation, design, and preparation for construction is a vital function of the authorized body in the field of architecture, urban planning, and management of land relations. This is due to the fact that the construction of the city begins with the distribution of land and its functional purpose. Implementation of land-use regulations by the master development plan is a tool to ensure efficient delivery of land plots with engineering networks and transport.

According to the town-planning requirements of “Rules of the organization of building and processing deconstructive procedures in the sphere of construction,” unauthorized construction of objects of various appointments in the territory of settlements is not allowed. Development and building of settlements are realized based on approved city planning projects (Order, 2015, p. 5,6).

However, obtaining land for the construction of the object has disadvantages associated with the quality of state services in the field of architecture, urban planning, and land relations. Thus, criminal statistics for 2016 showed an increase in corruption offenses in the distribution of land plots from 135 to 225 compared to 2015. The analysis showed that the restriction of access to information, the opacity of land grant procedures, contributes to the development of corruption. Duration of terms of rendering of the state service, indeed, is one more reason of Commission of corruption offenses (National Anti-Corruption Report, 2017, p. 42-43).

Public monitoring of the quality of state services in 2018 in the field of “Provision of land for the construction of an object within the settlement” revealed such problems as a technical failure when submitting documents online, inconsistent work of state bodies, long terms of consideration of documents, incompetence of employees of state bodies. In General, obtaining this service includes obtaining other services that require specific knowledge, effort, and costs. Hence the problem, one of them is an incomprehensible algorithm of actions. Also, it was identified that the service is not available for specific regions (Report, 2018, p.153-157).

According to the Agency with the corruption control of the Republic of Kazakhstan, high corruption risks remain in the field of architecture and urban planning, land relations and in the state architectural and construction control (New anti-corruption initiatives program, 2019).

According to the report “monitoring the state of corruption in Kazakhstan” from Transparency International informally resolved issues in government agencies such as the police, state universities, management of urban control and land relations (Report, 2019).

In this regard, the purpose of the article is to optimize the state service for the provision of land for construction within the settlement, which will reduce the time of consideration of the application, exclude duplicate functions, and improve the quality of public services.

Methodology. The research is based on the method of reengineering in the activities of the state body to assess the effectiveness and quality of state services. Analysis of internal and external business processes will help to identify and eliminate existing administrative barriers when obtaining land for the construction of the object in the appropriate time and on the principle of “One window”.

Analysis. The use of lands of settlements is realized according to their master plans, projects of detailed planning and building (in the presence of these projects), and projects of the land and economical device of the territory (The Land Code, 2003, p.109).

Business process of the current public service “Provision of a land plot for the construction of a facility within the boundaries of a populated locality” is implemented by the approved standard (Order, 2015) presented in figure 1.

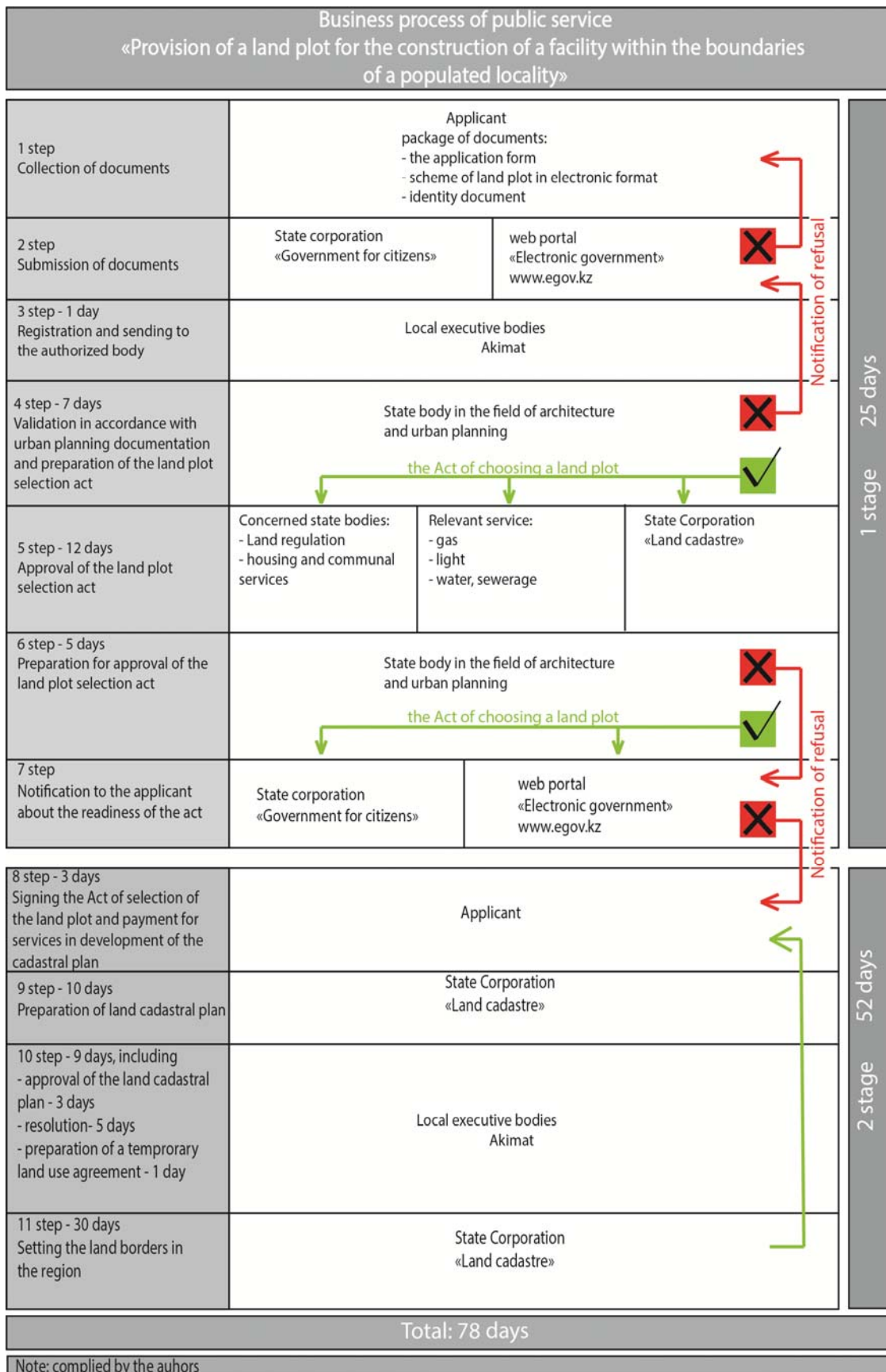


Figure 1 – Business process of land registration

Step 1 begins with the preparation of a package of documents by the Applicant, which includes an application in the prescribed form, an electronic scheme of the requested land plot, and an identity card.

Step 2 is the submission of the Applicant's documents to the authorized state body, which can be in two ways:

- through the State Corporation's "Government for citizens";
- through the web portal "Electronic government".

This service is available in paper and electronic formats. The package of documents is registered. Then the Applicant receives a notification of registration of the application indicating the date of receipt of the act of land selection for approval. After registration, the documents are sent to the Akimat within one working day.

In the 3rd step, the Akimat re-registers the application and redirects the documents to the relevant structural units in the field of architecture and urban planning. This procedure is realized within one working day.

Step 4 includes the procedure of validation and preparation of the act of land selection in the state body in the field of architecture and urban planning. Within seven working days, the scheme of the requested land plot is checked by the Master Plan of the city or the project of detailed planning of the city.

In cases of non-compliance with urban planning documentation, the master plan, or the plan of detailed planning, a refusal to provide a land plot is issued. Notification of rejection is sent to the Applicant through the State Corporation "Government for citizens" or through the web portal "Electronic government." If the result is positive, the state body compose the act of choosing a land plot (here in after - the Act) with a situational scheme and submits it for consideration and approval to the relevant services.

Step 5 provides the assessment of the land for the possibility of construction work. So, the interested state bodies in the sphere of land relations and housing and communal services consider the Act on the absence of encumbrance on the land plot and its restriction or availability. A similar function is performed by the State Corporation "Land cadaster". Here we observe duplication of the same purpose. According to the State Corporation "Land cadaster", in the case of a definite conclusion, attach the information about the land plot and estimates for land cadastral works to pay the Applicant.

Services in the field of engineering infrastructure check the land plot for the possibility of summing up or connecting to existing networks of gas, light, water, and Sewerage. In our opinion, in this stage, it is possible to include an additional function to provide a positive impression on the technical conditions. In parallel, exclude this function in the public service to provide Architectural and planning Tasks and Technical requirements. It will reduce the time of consideration and will lead to the optimization of two state services in the future: the provision of land and permission for Architectural and planning Task and Technical conditions.

In General, if the result is positive, the coordinating bodies provide an opinion on the possibility of registration of the land plot within twelve working days. The notice about the failure of providing the land plot goes to the applicant within three working days.

The 6th step is the function of final Act of land selection registration by the authority of architecture and urban planning within five working days.

The second stage of registration of the land plot begins with the 7th step, which is associated with the transfer of notification about the readiness of the Act to the Applicant through the State Corporation "Government for citizens" or through web portal "Electronic government" for approval.

Step 8. In the case of consent, the Applicant must sign the Act and pay for the service of land cadastral works within three working days.

Step 9. The Applicant must re-apply to the State Corporation "Land cadaster" for the preparation of the land cadaster plan, which is produced within ten working days. The composition of the land cadaster plan includes:

1. Cadastral number of the land plot
2. Plan of the land plot
3. Land plot area
4. Type of right to land
5. Purpose of the land plot

6. Restriction and encumbrance of land
7. Divisibility and indivisibility of land
8. Information about related owners and land users
9. The cadastral estimated value of the land plot.

The 10th step aimed to approve the land cadaster plan in the Akimat, which is within three working days. After approval, it makes a decision about the land plot allocation to the Applicant within five working days. Further, a contract about the temporary land use with the Applicant is written one working day is set for the preparation of it. The entire package of documents is transferred to the Akimat of the State Corporation “Land cadaster”. The applicant receives the cadastral plan, the agreement on temporary land use, and the decision of the Akimat on the provision of land.

Step 11. State Corporation “Land cadaster” implements the establishment of the boundaries of the land’s border in the region for thirty calendar days.

Analysis of the business process of the current system of public services for the provision of land revealed the following shortcomings.

First, the registration of the application for the provision of land conducted three times. In the first step, the application submitted through the State Corporation “Government for citizens,” registered, and then Applicant receives a notification of the readiness of the Act. At the second step, the application is re-registered in the Akimat. The same form is registered for the third time in the authorized body in the field of architecture and urban development.

Secondly, at the fifth step, there is a duplication of the function of coordinating the Act in terms of its encumbrance and accessibility, which is simultaneously performed by two organizations: the office in the field of land relations and the State Corporation “Land cadaster”.

Third, the Act passes three times approval in the State Corporation “Land cadaster”. The first time on the 5th step is the requested land checked for encumbrances and availability. The second time at the 8th step is the preparation of the cadastral plan for the land plot for its subsequent approval in the Akimat. The third time on the 11th step is the State Corporation “Land cadaster” implements measurements and establishes the border of the requested land in the region.

Results. We propose to optimize the business process of the public service “Provision of a land plot for the construction of a facility within the boundaries of a populated locality,” which presented in figure 2.

In our opinion, the function of registration of the application in the Akimat should be excluded at the 3rd step, since the local executive body at this stage performs only the purpose of an intermediary. Also, re-registration creates unnecessary bureaucracy and affects the term of consideration, which complicates the process of providing public services.

On the other hand, a single registration number assigned to the application in the State Corporation “Government for citizens,” in the future can facilitate the process of tracking the implementation of the Applicant's request promptly. Accordingly, the registered application now goes directly to the authorized body in the field of architecture and urban planning for execution. The term of consideration and implementation remains unchanged.

To cancel the re-registration of the Applicant in the Governor's office will need to delete paragraph 3 of article 44-1 of the Land Code of the Republic of Kazakhstan, according to which local executive body within one working day to guide them in a structural unit in the sphere of architecture and urban planning.

The next optimization is related to the eliminate of the duplicate function “consideration of encumbrance and availability of land,” which is performed by both the state body in the field of land relations and the State Corporation “Land cadaster”. In our opinion, this function should be provided by the state body in the field of land relations, as in the future, it will hold the balance over the targeted development of the land plot. Also, it eliminates the conflict of interest between two organizations for the provision of land.

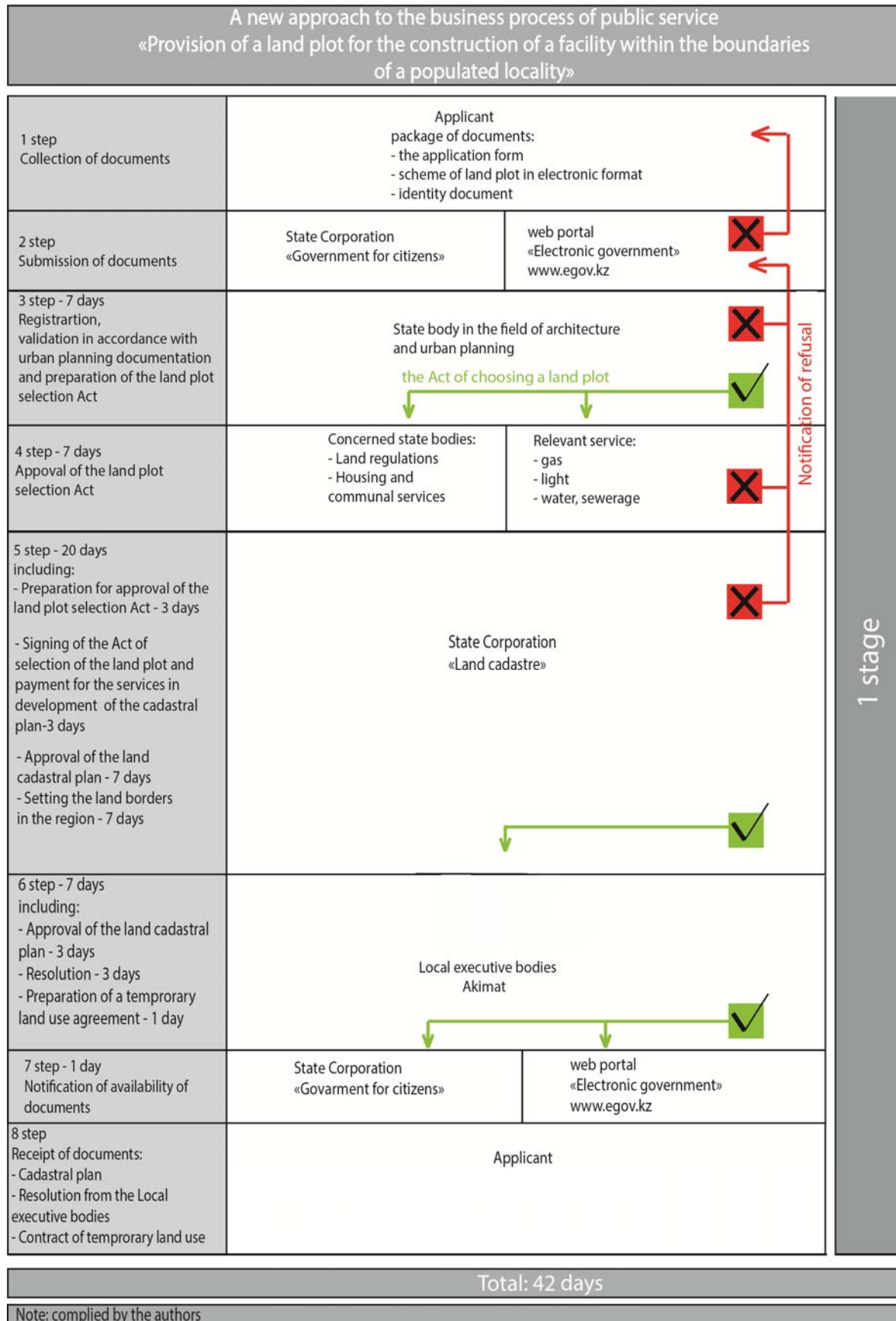


Figure 2 – Optimization of the business process of land registration

In this regard, it is necessary to amend paragraph 4 of article 44-1 of the Land Code of the Republic of Kazakhstan in part the authorized body in the field of architecture and urban planning sends the Act for approval simultaneously to all interested state bodies, relevant services, except for the State Corporation “Land cadaster”.

At the 5th step, it is advisable first of all to coordinate with the relevant services on the possibility of bringing the engineering infrastructure to the requested land plot. Only after that, the agreed Act is sent to the State Corporation “Land cadaster” for further execution. The term of the approval process is seven working days. In case of non-compliance with the requirements of the land, a refusal is issued, which is sent to the authorized body in the field of architecture and urban planning. The Applicant, receives the notification about the rejection through the State Corporation “Government for citizens” or web portal.

The following changes should be made:

- in paragraph 4 of article 44-1 of the Land Code of the Republic of Kazakhstan to replace, “the coordinating bodies submit an appropriate conclusion on the possibility of providing a land plot for the declared purpose within 12 working days” with seven working days.

- In point 4 of article 44-1 of the Land Code of the Republic of Kazakhstan "within five working days, the final act of the choice of the land plot is prepared and sent", the term of execution need to be replaced with three working days. Its implementation should be assigned to State Corporation “Land cadaster”, which prepares the final version of the Act.

To simplify the business processes within the competence of the State Corporation “Land cadaster”, it is recommended to combine “step 5, as well as 6, 7, 8, 9, and 11 steps”. It will give the opportunity to concentrate on one organization of functions of land valuation. It is advisable for the State Corporation “Land cadaster” to start preparing for the approval of the Act only after receiving a positive result from the coordinating bodies. The term of preparation of the documents needed to be reduced to 3 working days instead of 5.

In this case, the State Corporation “Land cadaster” must directly notify the Applicant about the readiness and signing of the Act, as well as payment for the preparation of the cadastral plan for the land plot within three working days.

In case of payment and approval by the Applicant of the Act, State Corporation “Land cadaster” prepares a cadastral plan for the land plot within seven working days. Then, the borders of the requested land plot in the region are held the land within seven working days. The total number of days to complete the above function takes 20 business days.

To optimize step 5 of the business process, some changes should be made:

- in paragraph 5 of article 44-1 of the Land Code of the Republic of Kazakhstan, the expression in the field of architecture and urban planning, agrees on the final act of choice with the applicant by sending a notification through the web portal of “electronic government” or State Corporation “should be replaced with the words” State Corporation “Land cadaster” prepares the final Act and agrees it with the applicant»;

- in paragraph 6 of article 44-1 of the Land Code of the Republic of Kazakhstan, the part “Signed materials are received by the State Corporation, leading the state land cadaster, for the production of the land cadaster plan” should be replaced with the words” State Corporation “Land cadaster” after agreeing on the final plan performs work on the preparation of the cadastral plan of the land plot within seven working days»;

- in paragraph 7 of article 44-1 of the Land Code of the Republic of Kazakhstan part of “the Establishment of land borders in the region is implemented after the approval of the land-cadastral plan within one month after the decision of local executive body” should be replaced with the words “the Establishment of land borders in the region is implemented after the approval of the cadastral plan in seven working days”.

In the 6th step, the Akimat, having received the entire package of documents on the land plot from the State Corporation “Land cadaster”, approves the cadastral plan within three working days. Then decides on granting the right to the land plot within three working days and within one working day, prepares the contract for temporary land use.

To do this, it is necessary to amend paragraph 8 of article 44-1 of the Land Code of the Republic of Kazakhstan regarding the term of service from 5 working days to 3 working days from the date of approval of the land cadastre plan.

Step 7. The State Corporation “Government for citizens” or the web portal “Electronic government” notifies the Applicant about the readiness of the package of documents within one working day.

In step 8, the Applicant receives the cadastral plan of the land plot, the decision from the local executive body on granting the right to the land plot, and the contract of temporary land use.

Conclusions. The optimization of the business process of the public service “Provision of a land plot for the construction of a facility within the boundaries of a populated locality” allowed:

1) to abolish the procedure of registration of the application in the Akimat. The service recipient applies once through the State Corporation “Government for citizens” or the web portal “Electronic government.”

2) to exclude duplication of function at the coordination of the land plot for encumbrance and availability of the requested land plot in the State Corporation “Land cadaster.” Thus, the interdepartmental bureaucracies are reduced, and the procedure for the provision of state services is simplified.

4) to combine several functions performed by the State Corporation “Land cadaster” into one business process at the 5th step. It has reduced the stages of state service from two to one stage.

5) to reduce the term of state provision “Provision of a land plot for the construction of a facility within the boundaries of a populated locality” from seventy working days to forty-two working days.

Thus, the business process of the state service has become easier due to exclusion of intermediary and duplicate functions, combination of several tasks for execution in one organization, reduction of the steps of implementation, and terms of consideration of the application. Also, the optimization will allow the Recipient to receive the full service with one appeal. Here we achieve the goal of implementing the principle of “One window.”

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Қазақстан Республикасы Президентінің жанындағы
Мемлекеттік басқару Академиясы, Нұр-Сұлтан, Қазақстан;

ОБЪЕКТЛЕРДІ САЛУ ҮШІН ЖЕР УЧАСКЕСІН БЕРУ БОЙЫНША БИЗНЕС-ҮДЕРІСТІ ОҢТАЙЛАНДЫРУ

Аннотация. Жер учаскесін мемлекеттен алу сынды тиімді пайдалану мәселесі Қазақстандағы өзекті болып саналады. Бұл мәселелерді шешу жайы Қазақстанның түрлі стратегиялық мемлекеттік бағдарламаларында айтылған. Соңғы он жылда Қазақстанда сәулет, қала құрылысы, құрылыс және жер қатынастарын реттеу саласында түбегейлі реформалар жүргізілді. Мәселен, құрылыс нормалары мен ережелері жетілдірілді, қала құрылысы құжаттамалары мен Еуропалық құрылыс стандарттарын әзірлеу форматтары енгізілді, мемлекеттік қызметтер тізілімі қалыптасты. Мемлекеттік қызмет көрсету бойынша стандарттар әзірленді. Бірақ осы өзгерістерге қарамастан, жер телімін рәсімдеу мәселесі ең көп талқыланатын мәселелердің біріне айналды. Мемлекеттік қызмет агенттігі жыл сайын барлық салаларда мемлекеттік қызмет көрсету сапасы бойынша мониторинг жүргізеді. Мемлекеттік қызметтер мониторингі жөніндегі есепте ең күрделі рәсімдердің бірі жер учаскесін алу және құрылысқа рұқсат алу мәселесі көрсетілген. 2018 жылы «Елдімекен шегінде объект салу үшін жер учаскесін беру» саласында мемлекеттік қызметтер көрсету сапасының қоғамдық мониторингі мынадай мәселелерді анықтады: құжаттарды онлайн беру кезіндегі техникалық істен шығу, мемлекеттік органдардың келісілмеген жұмысы, құжаттарды қараудың ұзақ мерзімі, мемлекеттік органдар қызметкерлерінің біліксіздігі. Жалпы осы қызметті алу белгілі бір білімді, күш-жігерді және шығынды талап ететін басқа қызметтерді алуды қамтиды. Осыдан түсініксіз іс-әрекеттер алгоритмі – мәселелер туындайды. Бұдан басқа, жекелеген өңірлер үшін қызмет көрсету қолжетімсіз екендігі анықталды. 2018 жылғы «Doing Business» есебінің деректері бойынша, бизнеске теріс әсер ететін факторлардың бірі – «жер учаскесін алу саласы және құрылысқа рұқсат беру», өйткені көптеген келісімдер алу қажет.

Мақалада мемлекеттік қызмет көрсетудің қолданыстағы «Елдімекен шегінде объект салу үшін жер учаскесін беру» жүйесіне баға берілген. Бұл мемлекеттік қызмет әлеуметтік объектілерді салу немесе

экономикалық даму үшін қажетті инвесторлық жобаларды іске асыру үшін ұсынылады. Талдау барысында «бір терезе» қағидаты бойынша жұмыс істемейтін мемлекеттік органдардың функциясының қайталануы, жер учаскесін беруге арналған құжаттар пакетін қарау және бекіту кезіндегі бюрократия сияқты мәселелер айқындалды. Талдау ақпаратқа қол жеткізуді шектеу, жерді беру рәсімдерінің ашық еместігі сыбайлас жемқорлықтың дамуына ықпал ететінін көрсетті. Мемлекеттік қызмет көрсету мерзімінің ұзақтығы, сөзсіз, сыбайлас жемқорлық құқық бұзушылық жасаудың тағы бір себебі болып саналады.

Осы мәселелерді шешу үшін «Елдімекен шегінде объект салу үшін жер учаскесін беру» мемлекеттік қызметінің бизнес үдерістерін оңтайландыру ұсынылды. Осыған байланысты баптың мақсаты мемлекеттік қызметті оңтайландыру болып саналады, бұл өтінішті қарау мерзімін қысқартуға, қайталанатын функцияларды жоюға, сондай-ақ мемлекеттік қызмет көрсету сапасын арттыруға және мемлекеттік органдар қызметінің ашықтығын арттыруға мүмкіндік береді.

Түйін сөздер: реинжиниринг, мемлекеттік басқарудағы бизнес-үдеріс, мемлекеттік қызметтер, «Азаматтарға арналған үкімет» мемлекеттік корпорациясы, жергілікті атқарушы орган.

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ОПТИМИЗАЦИЯ БИЗНЕС–ПРОЦЕССА ПО ПРЕДОСТАВЛЕНИЮ ЗЕМЕЛЬНОГО УЧАСТКА ДЛЯ СТРОИТЕЛЬСТВА ОБЪЕКТОВ

Аннотация. Вопрос эффективного использования земельного участка как и получения земельного участка от государства является одним из актуальных вопросов в Казахстане. Решение этих проблем озвучивается в различных стратегических государственных программах Казахстана. За последние десять лет в Казахстане были проведены радикальные реформы в области архитектуры, градостроительства, строительства и регулирования земельных отношений. Так, были усовершенствованы строительные нормы и правила, введены форматы разработки градостроительной документации и европейских строительных стандартов, сформирован реестр государственных услуг. Разработаны стандарты по предоставлению государственных услуг. Но, несмотря на все эти изменения, проблема оформления земельного участка остается одним из самых обсуждаемых вопросов. Агентство государственной службы ежегодно проводит мониторинг по качеству оказания государственных услуг во всех сферах. В отчете по мониторингу государственных услуг указывается, что одной из самых сложных процедур является получение земельного участка и получение разрешения на строительство. Общественный мониторинг качества оказания государственных услуг за 2018 год в сфере «Предоставления земельного участка для строительства объекта в черте населенного пункта» выявил такие проблемы, как: технический сбой при подачи документов онлайн, несогласованная работа государственных органов, долгие сроки рассмотрения документов, некомпетентность сотрудников государственных органов. В целом получение данной услуги включает в себя получение других услуг, требующих определенных знаний, усилий и затрат. Отсюда и вытекают проблемы – непонятный алгоритм действий. Кроме того, было выявлено, что услуга для отдельных регионов недоступна. По данным отчета 2018 года «Doing Business», одним из факторов, негативно влияющих на бизнес, является «сфера получения земельного участка и разрешение на строительство, так как необходимо получить большое количество согласований».

В статье дана оценка действующей системе оказания государственной услуги «Предоставления земельного участка для строительства объекта в черте населенного пункта». Данная государственная услуга предоставляется для строительства социальных объектов или реализации инвесторских проектов, которые необходимы для экономического развития. В ходе анализа были выявлены такие проблемы, как дублирование функции государственными органами, нефункционирующая система обращения по принципу «одного окна», бюрократия при рассмотрении и утверждения пакета документов на предоставление земельного участка. Анализ показал, что ограничение доступа информации, непрозрачность процедур выдачи земель способствует развитию коррупции. Длительность сроков оказания государственной услуги, безусловно, является еще одной причиной совершения коррупционных правонарушений.

Для решения этих проблем, предложено оптимизировать бизнес процессы государственной услуги «Предоставление земельного участка для строительства объекта в черте населенного пункта». В этой связи целью статьи является оптимизация государственной услуги, что позволит сократить сроки рассмотрения обращения, устранить дублирующие функции, а также повысит качество оказания государственной услуги и обеспечит прозрачность деятельности государственных органов.

Ключевые слова: реинжиниринг, бизнес-процесс в государственном управлении, государственные услуги, государственная корпорация «Правительство для граждан», местный исполнительный орган.

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ISSN 2518-1467 (Online), ISSN 1991-3494 (Print)

<http://www.bulletin-science.kz/index.php/en/>

Редакторы *М. С. Ахметова, Д. С. Аленов, А. Ахметова*
Верстка на компьютере *Д. А. Абдрахимовой*

Подписано в печать 14.10.2020.
Формат 60x881/8. Бумага офсетная. Печать – ризограф.
21 п.л. Тираж 500. Заказ 5.