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EFFECTIVE MANAGEMENT OF CONFISCATED PROPERTY: STUDY OF INTERNATIONAL EXPERIENCE TO IMPROVE MANAGEMENT PRACTICES OF KAZAKHSTAN

**Tolkyn
ADILBEKOVA***

Master of Public Administration, Chief Expert of Committee on State Property and Privatization of the Ministry of Finance of the Republic of Kazakhstan, Astana, Kazakhstan, adilbekova-2011@mail.ru

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Abstract. In the course of overcoming challenges by countries, especially during the period of covid-19 outbreak, the issue of public trust in the state, the policy pursued by the state, and its effective implementation has shown its special significance. All spheres of public administration, like any subject, need to be improved taking into account the new realities and requirements of society. To date, the improvement of the management of the confiscated property is especially relevant, because in the Republic of Kazakhstan, as part of the investigation of the January events of 2022, the arrests of high-ranking officials representing government structures and the security sector continue, with the confiscation of their property. Meanwhile, the idea of changing policy by studying the experiences of other countries is better than working from scratch to create measures to improve governance. At the same time, the practitioner needs to know what was already done, what difficulties can be encountered while applying any implementation, and whether it will be successful or unsuccessful if implemented in other places. It is also necessary to know how easily or hard to implement a particular intervention, which can be an obstacle or conducive to its successful implementation.

In this regard, the article highlights the key problems that arise during the implementation of the policy. Then it will draw the best practices in the management of confiscated property from other countries, which can be appropriate for application in Kazakhstan.

Keywords: Confiscated property, effective management, social re-use, coordination, best practices.

Аңдатпа. Елдердің сын-тегеуріндерін еңсеру барысында, әсіресе, ковид-19 пандемиясының өршуі кезеңінде халықтың мемлекетке деген сенімі, оның саясаты және оны тиімді іске асыру мәселесі өзінің ерекше маңыздылығын көрсетті. Кез-келген өнім тәрізді мемлекеттік басқарудың барлық салалары да қоғамның жаңа болмысы мен талаптарын ескере отырып жетілдіруді талап етеді. Бүгінгі күні тәркіленген мүлкті басқаруды жетілдіру аса маңызды, себебі Қазақстан Республикасындағы 2022 жылғы қаңтардағы оқиғаларды тергеу шеңберінде мемлекеттік органдар мен қауіпсіздік секторының өкілдері болып табылатын жоғары лауазымды тұлғалардың мүліктері тәркілене отырып, оларды қамауға алу әлі де жалғасуда. Сонымен қатар, басқаруды жетілдіру бойынша шараларды жаңадан бастағаннан гөрі басқа елдердің тәжірибесін үйрену арқылы саясатты өзгерту идеясы әлдеқайда оңтайлы болып табылады. Бұл ретте тәжірибе жасап жүрген маманға бұған дейін осы салада не жасалғандығын, іске асыруды қолдануда қандай қиындықтарға тап болуы мүмкін екенін, егер ол басқа жерде іске асырылса, сәтті немесе сәтсіз болатынын білуі қажет. Сондай-ақ кейіннен ойдағыдай жүзеге асырылуы мүмкін не болмаса керісінше, кедергі болуы мүмкін қандай да бір саясатты іске асырудың қаншалықты жеңіл немесе қиын болатындығын білуі тиіс. Кедергі болуы немесе оны табысты жүзеге асыруға ықпал етуі мүмкін интервенцияны жүзеге асырудың қаншалықты оңай немесе қиын екенін білу қажет.

Осыған байланысты, мақалада саясатты іске асыру барысында туындауы мүмкін негізгі мәселелер қарастырылған, содан кейін тәркіленген мүлкті басқару бойынша басқа елдердің ең үздік тәжірибелерінің ішінде Қазақстанда қолдануға болатындары айтылады.

* Corresponding author: T. Adilbekova, adilbekova-2011@mail.ru

Түйін сөздер: Тәркіленген мүлік, тиімді басқару, әлеуметтік қолдану, үйлестіру, ең үздік тәжірибелер.

Аннотация. В ходе преодоления странами вызовов, особенно в период вспышки covid-19, вопрос доверия общества к государству, проводимой им политики и ее эффективной реализации показал свою особую значимость. Все сферы государственного управления, как и любой предмет, нуждаются в совершенствовании с учетом новых реалий и требований общества. На сегодняшний день совершенствование управления конфискованным имуществом особенно актуально, поскольку в Республике Казахстан в рамках расследования январских событий 2022 года продолжаются аресты высокопоставленных должностных лиц, представляющих государственные структуры и сектор безопасности, с конфискацией их имущества. Между тем, идея изменения политики путем изучения опыта других стран лучше, чем работа с нуля над созданием собственных мер по улучшению управления. В то же время практикующему специалисту необходимо знать, что уже было сделано, с какими трудностями можно столкнуться при применении той или иной реализации, будет ли она успешной или неудачной, если будет реализована в другом месте. Также необходимо знать, насколько легко или сложно реализовать то или иное вмешательство, которое может быть препятствием или способствовать его успешному осуществлению.

В связи с этим в статье выделены ключевые проблемы, возникающие в ходе реализации политики. Затем он будет опираться на лучшие практики управления конфискованным имуществом из других стран, которые могут быть уместны для применения в Казахстане.

Ключевые слова: Конфискованное имущество, эффективное управление, социальное использование, координация, самые лучшие практики.

Introduction

Kazakhstan since its independence made huge progress in the sphere of public administration. However, until nowadays continues to use the Soviet Union's governance system and bureaucratic procedures [1]. Meanwhile, all Central Asian countries or post-soviet countries are known for their authoritarian bureaucracy [2].

Although science indicates that confiscation of assets is the best tool to prevent crime, especially corruption, limiting only the arrest of authority members involved in corruption is not enough to tackle this crime. Today, when most of the media cover mainly the failures of the policy being pursued, its implementation becomes important [3]. Thus, the purpose of the article is directed to the improvement of the current management system of Kazakhstan in the sphere of confiscated assets by learning from other experiences.

It is worth noting that though the topic about the effective use of confiscated property is important there is still a lack of information about it. B. Vettori mentioned that neither scientists nor policymakers were interested in it for many years [4]. Unfortunately, there is also a lack of papers in academia exploring this situation in Kazakhstan. Therefore, the materials, case studies and recommendations of international organizations have been used mostly.

According to the materials studied, in many countries, the effectiveness of management is associated with the coordination of the actions of state bodies. In

addition, scientists note the lack of a database on confiscated property and the lack of experience in the social use of such property.

Methodology

Rose argues that each country thinks that its problem is unique. Meanwhile, it is easy to find similarities between the same policies of different countries. And it allows policymakers to address their problems by learning from other counterparts' experiences [5]. In this connection, the comparative method has been used throughout the research. The research is also based on studying the legislation of Kazakhstan and others, practical cases of other countries, and international standards, given by international organizations.

1. Current management system of confiscated property in Kazakhstan and its key issues

The use of confiscated property is carried out by the norms of legislation, such as the Law of the Republic of Kazakhstan "On State Property" and the Rules for the sale or use of property arrested based on a court verdict in a criminal case regarding the confiscation of property or based on a decision on the transfer of property to the state, approved by order of the Minister of Finance of the Republic of Kazakhstan dated March 30, 2015 No. 227.

The management of confiscated property consists of several interrelated stages. For example, the OSCE divides the

confiscation procedure into three stages: the investigation, the judicial and the further use stage [6]. Accordingly, different state bodies, under their competencies, are involved in different stages of the management of confiscated property. The effectiveness of the management of confiscated property directly depends on the result of each participant involved in this process.

According to the interpretation of the European Union, there are 3 forms of confiscated property management [7]:

- Centralized approach with specialized institutes
- Centralized approach with non-specialized institutes
- Decentralized approach.

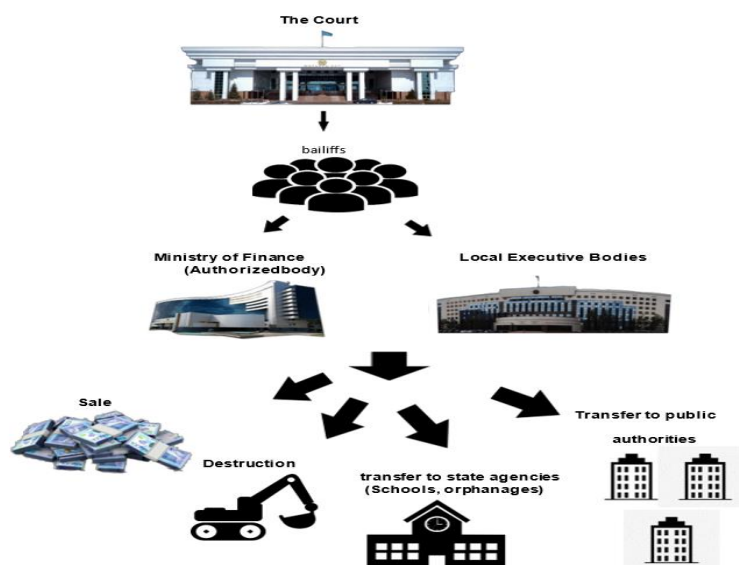
Table 1 - Institutional approaches and their implications

Institutional approaches and their implications			
Institutional approach Issues	Specialised centralised approach	Non-specialised centralised approach	Decentralised approach
Lack of specialisation	Not an issue	An issue	An issue
Interagency communication	Not an issue	Some problems	An issue
Accurate statistics	Not an issue	An issue	An issue
Lack of an institution that provides guidance.	Not an issue	Limited capacity	An issue
Training	Not an issue (in general)	An issue	An issue

Source: <https://www.files.ethz.ch/isn/185046/Disposal-of-confiscated-assets-report.pdf>

The first approach is used in countries such as France, Italy, and Cyprus, the second - in countries: Belgium, Bulgaria, Romania, Finland, Luxembourg, Malta, the Netherlands, and Sweden, and the third approach is used

by countries such as Denmark, Germany, Slovakia, Lithuania, Portugal, Slovenia, Spain, Hungary, Ireland, Poland, Great Britain, Slovenia.



Source: created by the author based on the Rules for the sale of confiscated property, adopted by the Minister of Finance of the Republic of Kazakhstan

Figure 2 - Disposal procedure in Kazakhstan

Table 2 shows the process of managing confiscated property in Kazakhstan based on existing legislation. So, in the case of Kazakhstan, before turning the confiscated property into state income, a court decision on the confiscation of property is first made.

Then, enforcement agents or bodies (persons) that seized (transferring) confiscated property shall notify the authorized body or local executive body in writing of the date, place and time of transfer of property within not less than five working days before their commission, with copies of documents attached (acts of seizure, acts of forensic examination, writs of execution and others).

After that, the relevant state bodies receive confiscated property from bailiffs in accordance with the court's decisions. After acceptance of the confiscated property, the authorized body or local executive bodies shall decide on the further use of the confiscated property [8].

Thus, in Kazakhstan, different stakeholders are involved in the management of confiscated property. If we are guided by the institutional methods of the EU, the form of management of Kazakhstan's confiscated property corresponds to the decentralized approach. A similar system of management of confiscated property exists in Russia [9].

It should be noted that in Kazakhstan, none of the legislative legal acts regulating the management of confiscated property considers the coordination of actions between interested parties in the management of confiscated property, which is the main disadvantage of effective management. That is, the problems that arise with the decentralized method of management are also characteristic of Kazakhstan since a similar method of management is used.

The next issue concerns the lack of statistics on confiscated property with detailed information. The only source where data on confiscated property is available is the www.gossreestr.kz website. It contains information about the objects offered for sale. This site operates with the support of a single operator, which is the Joint Stock Company "Information and Accounting Center" with 100 percent participation of the state.

Access to the database is available to sellers who have a digital signature issued by the National Certification Center. In addition to sellers, access is provided to bidders. According to the Rules for the sale of

confiscated property on this site for each property, sellers post a report on the assessment of each confiscated property, and photographs in the amount of at least 5 pieces [8].

Thus, statistics are limited only to the information regarding objects for sale. At the same time, there is no information on the full volume of confiscated property in the public domain. The website of the Agency for Strategic Planning and Reforms of the Bureau for National Statistics (<http://stat.gov.kz>), which formulates and implements state policy in the field of state statistics, does not currently have data on confiscated property.

Another imperfection of the current rules governing the management of confiscated property is neglecting the possibility of using confiscated assets for public needs. Further use of confiscated property in Kazakhstan includes three types of use.

The first method is that before putting it up for auction, the confiscated property is offered to state bodies for use in their activities. This property is offered by posting on the website. In case of economic feasibility, the confiscated property shall be transferred to the state body free of charge. The most common way is to sell at auction.

At the same time, property that is not sold at the minimum price, suitable for use, is offered free of charge to subjects of social services. Subjects of social services are understood as educational organizations for orphans and children left without parental care, preschool and secondary education, temporary stay, and medical and social institutions (organizations) registered in the form of a state legal entity [8].

The offer of confiscated property to the subjects of social services in the last place suggests the formation of an opinion about ignoring the needs of these strata of society. In turn, the imperfection of the norms of the current legislation will also be an obstacle to achieving effective management of confiscated property.

The third way is destruction. Property that is not sold for the minimum price and unclaimed by subjects of social services, as well as property not suitable for further use shall be destroyed by the decision of the authorized body or local executive body in the presence of a decision of the commission on destruction of property [8].

Thus, it is possible to identify three main issues in the current system of management of confiscated property:

- lack of coordination between state bodies involved in the management of confiscated property.
- Lack of statistical data on confiscated property.
- lack of experience in the social use of confiscated property.

2. Lessons from other countries

2.1 Coordination between stakeholders

In general, the standards governing the issues of confiscated property can be found in the documents of various international organizations, such as the UN, OECD, FATF, and EU.

One of the existing problems in the management of confiscated property, UN experts called a lack of coordination between implementers of different levels, acting at different stages of management [9]. Nevertheless, some countries have been able to circumvent this problem by creating the best form of governance. Among them are France, Italy and Cyprus. Thus, the advantages of existing organizations in these countries with a centralized form of management are that, only through these organizations, all actions related to the management of confiscated property are carried out centrally from the investigation stage including the final utilization stage [7].

For example, The Agency for the Recovery and Management of Seized and Confiscated Assets (AGRASC) in France, which has been granted a certain monopoly by parliament, was able to replace the work of 160 judicial offices. At the same time, the employees of this organization consist of different professional spheres, such as civil servants, judges, and employees of the judiciary. AGRASC also maintains a centralized database of confiscated property [10].

But except above three countries, most countries practice another form of governance – a centralized method without special institutions. These countries pointed out the lack of communication between state bodies, the consequence of which led to results because of increased periods of management of confiscated property. In addition, due to the lack of coordination between the actions of

stakeholders in the future, other issues may arise. So often, untimely notification of another state body can lead to damage and loss of property. Sometimes there is a case when it is impossible to put up a property for sale because there are no title documents. These documents cannot be made since the object was built without a permit, which will be known only at the time of putting the object up for auction [4]. Meanwhile, all this time from the state budget there will be expenses at least for the storage of these properties, which can be significant, since from the moment of the court decision adopted until the moment when the property is transferred to state ownership, sometimes it will take months or even a year.

At the same time, according to science, public administration differs in that a good result of work depends on the coordination of the actions of several organizations with different functions. In addition, coordinated work will save costs on the organization of work, such as the rental of buildings, transport, and equipment [11].

In the case of the management of confiscated property, coordinated work by stakeholders would also reduce the cost of their storage.

However, Hudson and his colleagues, who developed a model of collaboration in the public sector and proposed to test it more on different organizational structures, at the same time, noted its difficulty in achieving. They also underlined the threats of collaboration, to begin with, the loss of freedom by each organization to act independently. In addition, each organization will invest its resources in cooperation unaware of the return on its investments [12].

The question of the advantages of a centralized and decentralized form of structure has always been debatable among scientists since it is the creation of appropriate structures that can create stability, and accordingly ensure that the goal is monitored. Depending on the form of the structure, the policy, the goal, and the allocation of resources are determined. And although the centralized form is criticized for its bureaucracy, nevertheless it functions more efficiently and effectively [13].

As noted above, in the case of the management of confiscated property with a centralized management method, there are no problems associated with the lack of communication between organizations, the absence of the database and the lack of training (see Table 1). In this regard, the

transition to a centralized method by creating an organization responsible for the management of confiscated property from the very beginning to the final use of it, by analogy in France would allow Kazakhstan to resolve issues arising in the current form of management.

2.2. The role of the database in confiscated asset management

The latest events in the world show how important to have an operative and open database in all spheres. For example, using real-time and accessible data provided by the Oxford COVID-19 Government Response Tracker during COVID-19 allowed policymakers to evaluate the effect of taken measures on the level of disease spread. Consequently, they can discuss different approaches to tackle the issue [14].

As far as it is concerned the database on confiscated property of Kazakhstan, as previously mentioned, there is no special kind of database. There is only a platform for the transfer of confiscated property to state bodies and their sale on the web portal.

Regarding the issue of the database of confiscated property in other countries of the world, it should be noted that over the years various international organizations have given recommendations on the collection, maintenance, and management. So, one of the first organizations that raised this issue was the G-8 working group. It includes states such as France, Germany, Italy, the United Kingdom, Japan, the United States, Canada, and Russia. According to its recommendations made during the 2005 meeting, countries were encouraged to use information technology as a tool for managing confiscated property. Similar recommendations in 2005-2017 were proposed by other international organizations, such as CARIN (Camden Asset Recovery Inter-Agency Network), OAS (Organization of American States) and UNODC (UN Office on Drugs and Crime), whose function is related to the management of confiscated property [15]. The UN organization UNODC recommendations were made relatively recently in 2017 during a meeting of member countries, in which the development of an electronic database to improve the management of confiscated property was discussed [16].

Concerning the experience in the European Union, it is worth noting the work

carried out by the EU on the study of the database management system of confiscated property. Within the framework of the project of the so-called "PAYBACK" project, the European Union studied the advantages and disadvantages of the existing database in the EU countries. According to the results of this project, the following merits and drawbacks have been identified [17]:

- many EU states have a database on confiscated property, but they are at different levels of development, some are well developed, that they include all the detailed information regarding the property (Belgium, Italy, Netherlands), while some countries are still at the initial stage (Czech Republic).

- use different software products to maintain the above database; some of them are very convenient to use (Netherlands, Italy, Spain), and some provide inconvenience due to slow operation (Bulgaria).

- there are problems in updating data daily, which depends on the human factor; thus, in countries where the database is maintained by trained and limited numbers of specialists, the database contains real and accurate figures (Italy). In countries where different specialists from different departments do not always maintain this database and not all the figures are relevant on the date of viewing (Ireland).

The Payback project gives 3 main recommendations:

- to update information concerning the location of property throughout all stages of management of confiscated property. Having done by each stakeholder it is possible to track the exact location of the property and avoid its loss.

- It is recommended to update the assessment, which will help determine the economic value and condition of the property.

- automatic reminder of the condition of the property after a certain time (damage, loss) for making immediate decisions concerning this property [17].

The study of the database and the identification of shortcomings and their improvement in the future is necessary for each state. Such work will at first give a complete picture of the work being done and the country's policy on confiscated property. Thus, the use of advanced information technologies showing the result of work will contribute to the improvement of work in this direction. For example, the UK YARD (Joint Asset Recovery Database) allows us to see

how the work on confiscation is progressing and how British agencies are coping with their obligations in this area [18].

On top of that, a structured database will provide an opportunity in which regions a large amount of confiscated property is concentrated. This will additionally provide an opportunity for the correct allocation of human resources [19].

In addition, according to the BİDAL project, the figures generated by the databases are needed for researchers. In the future, the results of their research work will be transferred to decision-makers in this area [19]. Accordingly, they will use the results of the study to improve or adopt standards regarding the management of confiscated property. In turn, by having access to the database, researchers can conduct the right investigation, which will ultimately contribute to making the right decisions by decision-makers [20]. In this case, only part of the information should be publicly available, such as the category of goods, quantity, and others. Information relating to owners must be confidential to respect legal human rights. At the same time, it is necessary to ensure security to avoid hacker attacks on the database [21]. In addition, the data can be made available to notaries and property registrars, as in the case of Italy and Peru [4; 19].

The transfer of completely to the electronic property dossier also makes it possible to avoid the loss of documents, as well as the disposal of paper documents. This issue is also relevant for Kazakhstan in light of the adopted course on de-bureaucratization of the public administration system.

It is also worth considering the G-8 organization's recommendation in the Confiscated Assets Management Best Practice Guide that Administrative Arrangements should be efficient and cost-effective [16]. For example, the database developed by the Tribunal of Rome, which includes all confiscated assets, was completed in just two months without expenditure [4].

In the Address to the People of Kazakhstan "New Kazakhstan: The Path of Renewal and Modernization" of March 16, 2022, the President of the country identified the tasks that need to be solved by the government soon. Among them, a comprehensive reform of the public administration system was noted, based on

cardinal changes as a consequence of the public demand that has been brewing for many years. The president urged to eradicate excessive bureaucratization at the system level, which hindered the development of the country [22].

As practice shows, one of the measures contributing to the de-bureaucratization of the activities of state bodies is the optimization of business processes. It allows to radically revise internal procedures, improve rulemaking, as well as quantitatively and qualitatively assess the results of the activities of state bodies. In addition, it is known that policy failures attract international headlines, and thereby undermine public trust [3]. So having an open and reliable database would be another strong evidence when the authorities refute the tarnished honour.

Thus, taking into account the experience of the EU countries and recommendations on this issue, Kazakhstan should also adopt the experience of using other stakeholders to maintain a database of confiscated property. In turn, this will clearly show the result of the work by providing access to data. Accordingly, the new model of public administration will contribute to the implementation of the principle of an effective state.

2.3. Social reuse of property

Several studies were carried out by the European Commission and the European Parliament in the first decade of 2000 on the management of confiscated property. As a result, the need to introduce social reuse as one of the options for the disposal of confiscated assets was emphasized. On 3 April 2014, Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union was adopted. This document included an article stating that Member States should consider adopting measures to allow confiscated property to be used for public interest or social purposes [23]. Although the topic of effective use or reuse of confiscated property is important there is still a lack of information about it. Neither scientists nor policymakers were interested in it for many years [4].

Studies of current experience show that, in practice, EU countries classify two types of social reuse: direct and indirect. In direct use, confiscated property can be used directly for

social purposes. At that time, their indirect use was supposed to be used through organized funds or programs [24]. However, there is no single approach to implementing a reuse policy.

In the academic papers investigating the social reuse of confiscated assets, social entrepreneurship is mentioned as a frequently used direct use approach [25] [26]. In turn, an increase in the number of entrepreneurs will undoubtedly contribute to the expansion of employment opportunities and the improvement of living conditions. Some scholars view social entrepreneurship as an innovative solution that has emerged as a response to new social needs and challenges [27]. In addition, entrepreneurship policy has been mentioned as a method directed to shrink unemployment through the transformation of unemployment into self-employment [28].

An analysis of the direct reuse of confiscated property in EU countries showed that Italy is a country where one of the best practices of direct social use of ill-gotten gain has been applied. First, the Italian parliament passed a law that allowed the use of confiscated assets for social purposes [25]. After that, they began to implement this in practice by creating social cooperatives mainly in the southern part, and then in the northern part of Italy. At the same time, non-profit organizations and social entrepreneurs were allowed to participate in the effective management of assets confiscated from criminal organizations. That is, they proposed proposals for improving the norms of legislation, based on their practical experience. According to Mosca and Villani, this approach contributes to the creation of new jobs, an increase in social capital, and the strengthening of public confidence in the law [24].

A good illustration of using a property for social needs is the created cooperative "Placido Rizzotto", where was used land confiscated from the mafia. The participants of this project were 15 unemployed young people with disabilities. The essence of the project was to provide them with land for their use. At the same time, they were trained in certain skills to conduct their business in these land plots. Despite the difficulties that young people faced in the beginning (lack of funds, and agricultural tools), this project eventually achieved success. In addition, to date, the number of young people interested in

participating in similar projects has increased [4].

The best experience of using the second type of social reuse in practice has been experienced by the Scottish Government. The goal of a project called The Cashback for Communities is to support young people who are at risk of committing crimes. Investments in this project were made at the expense of illegal benefits from criminal activities. The main goal of the project was to attract young people to sports, and thus reduce the number of young people involved in crime. However, there is no statistical evidence as to whether this project had an impact on reducing crime. Nevertheless, the project was able to positively influence the behaviour of its participants and foster their employment [29]. According to the evaluation of the latest project (2017-2020), 78% of participants declared about wellbeing improvement, 76% reached confidence and 67% can get new skills, and jobs [30].

Concerning the use of confiscated property for social purposes in Kazakhstan, the current norms of law regulating the sphere of confiscated property do not include such kind of use.

It is worth noting that due to the pandemic, in Kazakhstan, as well as throughout the world, new challenges have appeared, such as wealth inequality, a growing cost of living, and a shortage of jobs. The current circumstances in the country require the development of new approaches to ensure an appropriate standard of living for the population in addition to the current support through social payments. Thus, in the context of modern challenges and risks, the reuse of confiscated property for social purposes could be a measure to increase the social activity of the population. That is, it will be applied within the framework of various social programs already adopted by the Government of Kazakhstan. These programs, in turn, are aimed at active entrepreneurial activity and the comprehensive development of human capital. So, the Italian experience could be applied within the framework of the existing programs of Kazakhstan, such as the "Business Road Map" and "Serpin-2050" as follows.

The first program is aimed at supporting small businesses. Since its existence in 2010, the program has shown effectiveness. A programme has been drawn up to allocate subsidies free of charge to the socially linked

population (mothers with many children, and persons with disabilities). Small businesses are exempt from tax for 3 years [31]. The second program is aimed at the migration of young people from the southern labour-surplus regions to the northern regions. That is, young people are resettled for higher education with subsequent employment. At the same time, the state allocates scholarship grants for their study at the universities. This program also contributed to the increase in the number of students from the southern regions of the country every year. However, upon graduation, students, due to the lack of jobs, returned to the south. Subsequently, the goal of the program for the resettlement of the population to the north is not achieved.

It is worth noting that the first program is mainly aimed at supporting the creation of a new business from scratch. It is well known that at the beginning stage, besides cash, premises or office buildings will be required, especially if this is a business provided by services. Therefore, Italy's experience in reusing immovable confiscated property, in the case of Kazakhstan, buildings and premises for start-ups created by young people would be possible within the framework of the above-mentioned program of Kazakhstan. To do this, it is necessary to develop a mechanism for proposing confiscated buildings for social reuse by start-ups. Such use in the first place will contribute to an even greater opening of a new business by solving the issue of premises, which is one of the issues when opening a new business. Secondly, this support tool for young people who have just graduated from university will also provide an opportunity to realize themselves by starting their businesses and taking root in the north, which is the goal of migration policy.

The other successful experience of the above-mentioned social use of funds from illegal enrichment, conducted by the Scottish Government, could be introduced into the "Artsport" program. "Artsport" was launched in Kazakhstan in 2021. It is aimed at the development of mass sports for children and adolescents on a free basis. A successfully launched project is currently facing a lack of funding [32].

If, by analogy with the Scottish experience, the confiscated money will be reinvested in the above project, more young people would be involved in sports.

This experience is especially relevant in the country today, when, on the direct instructions of the President, work is actively underway to return assets withdrawn abroad. Every day, more and more former high-ranking officials are detained as involved in corrupt actions with colossal damage, given to the state. Accordingly, their property is subject to confiscation in accordance with the legislation of Kazakhstan. Fast-spreading news can contribute to the emergence of faith among the population, in connection with the measures taken against such people. However, there is still no platform in the country where the population can get reliable information on them.

The main advantage of both social reuse approaches is that they are focused on human development. The main benefit of both approaches of social reuse is that they are oriented to human development. By giving people a chance to utilize confiscated asset government at the same time authority ensure social protection. Meanwhile, the UN indicates the necessity of an employment increase, especially for young people. In turn, such intervention in the management of confiscated property will contribute to the realization of the UN Sustainable Development Goals - decent work for all and ending poverty [33].

3. Conclusion

The current situation of management of confiscated property in Kazakhstan has been studied. The study of regulatory legal acts applied in this area in Kazakhstan revealed some shortcomings. Meanwhile, the main task of public administration is the fulfilment by the government of its obligations to citizens. The difference between public administration in developing countries and western countries is that if they need to perform some important tasks, they do not do it alone, that is, different subjects are involved in internal public administration. In addition, if any data are available in developing countries, the data are either incomplete or inaccurate [34]. In case of Kazakhstan, which is a developing country, also showed that multiple stakeholders are involved in the confiscated asset management.

However, there are no rules containing coordination between public authorities. In addition, there is no single database on confiscated property. There is also no

provision for the use of confiscated property for social purposes.

While there are still issues related to the management of confiscated property, some practices have been improved as a result of the recommendations of international organizations to improve it. The study of the standards of international organizations defined the best practices. One of them is the centralized institutional management of confiscated property, which is already operating in France, Italy and Cyprus. The establishment of such an institution will encourage the management of confiscated property. In addition, the formation of this form of governance contributes to solving the issue of the lack of coordinated actions arising from the current form of governance between various stakeholders in Kazakhstan.

There should be created a new database, which will be filled by information of each stakeholder in accordance with their competencies.

Italy is an active country for the direct use of confiscated property for social needs. Thus, the created social cooperatives were given confiscated land plots for the development of a start-up on these plots. In Scotland, indirect use of confiscated property is used to support teenagers who are at risk of committing crimes. As a result of the project, they were able to achieve confidence, were able to find a job and improve their skills. The application of the practice of social use of confiscated property through existing programs will allow Kazakhstan to support start-ups and young people.

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ТӘРКІЛЕНГЕН МҮЛІКТІ ТИІМДІ БАСҚАРУ: ҚАЗАҚСТАНДАҒЫ БАСҚАРУ ТӘЖІРИБЕСІН ЖАҚСARTY YШІН ХАЛЫҚАРАЛЫҚ ТӘЖІРИБЕНІ ЗЕРДЕЛЕУ

Толқын ӘДІЛБЕКОВА, Мемлекеттік басқару магистрі, Қазақстан Республикасы Қаржы министрлігі Мемлекеттік мүлік және жекешелендіру комитетінің Бас сарапшысы, Астана, Қазақстан, adilbekova-2011@mail.ru

ЭФФЕКТИВНОЕ УПРАВЛЕНИЕ КОНФИСКОВАННЫМ ИМУЩЕСТВОМ: ИЗУЧЕНИЕ МЕЖДУНАРОДНОГО ОПЫТА ДЛЯ УЛУЧШЕНИЯ ПРАКТИКИ УПРАВЛЕНИЯ В КАЗАХСТАНЕ

Толқын АДИБЕКОВА, Магистр по государственному управлению, Главный эксперт Комитета государственного имущества и приватизации Министерства финансов Республики Казахстан, Астана, Казахстан, adilbekova-2011@mail.ru