

В кризисные моменты жертвоприношение, по-прежнему, остается базовой конструкцией, обеспечивающей существование превращенной реальности.

Настоящий анализ носит, безусловно, предварительный характер. В то же время, предложенная схема представляется полезной для проведения дальнейших исследований, посвященных изучению жанра – категории, чрезвычайно важной не только для мира искусства, но и для нашей повседневной жизни.

### ***Литература***

1. Аронсон О. Коммуникативный образ. (Кино. Литература. Философия). – М.: НЛО, 2007.
2. Багдасарова Н.А. Определение жанра // Киноведческие записки. – М., 2001. – № 47.
3. Брудный А. Наука понимать. – Бишкек: «Сорос-Кыргызстан», 1996.
4. Винер Н. Кибернетика и общество // Творец и будущее. – М.: АСТ, 2003.
5. Протт В.Я. Морфология сказки. Исторические корни волшебной сказки. – М.: «Лабиринт», 1999.
6. Шкловский В. Энергия заблуждения. – М.: Советский писатель, 1981.
7. Элиаде М. Мифы. Сновидения. Мистерии. – Москва – Киев: «Рефл-бук», «Ваклер», 1996.
8. Юнг К.-Г. Либи́до, его метаморфозы и символы. – СПб., 1994.
9. Kumar, Krishan, 1987, *Utopia and Anti-Utopia for Modern Times*. Oxford, Basil Blackwell.
10. Levitas, Ruth, 1990 *The concept of Utopia*, Syracuse: Syracuse UP.

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## ***Restrictions on the Land and Real Estate Ownership Rights of Foreign Individuals and Legal Entities in the Kyrgyz Republic***

The issue of the land and real estate ownership rights of foreign individuals and legal entities in the Kyrgyz Republic is the subject of continuous interest and discussion. Republican legislation imposes a number of restrictions with respect to a foreign person's ability to own land and other stationary property in the country. The purpose of this research is to present a legal overview of such restrictions, to explore problematic issues and practical consequences that arise in regards to these restrictions, and to propose possible solutions.

## **I. Restrictions on the land ownership rights of foreign individuals in the Kyrgyz Republic**

The primary limitation that foreign individuals encounter in Kyrgyzstan is the restriction of their land ownership rights as a whole. In accordance with Articles 5 (1) and 7 of the Land Code, neither foreign individuals nor foreign legal entities have the right to own land in the Kyrgyz Republic.<sup>1</sup> However, the extent to which land ownership is limited depends on the type of land, i.e. whether the land is designated for agricultural or non-agricultural purposes.

### *Limitations of foreign person's rights to agricultural land ownership*

According to Article 5 of the Land Code, there is a strict prohibition of title on agricultural land for foreign individuals and legal entities. Only the state, agricultural cooperatives, and citizens of the Kyrgyz Republic who have permanently resided in rural areas for a minimum two-year period have the right to own land that is designated for agricultural purposes.<sup>2</sup> Article 7 of the Law on agricultural land management establishes that the following categories of people do not have the right to own agricultural land:

- foreign individuals, legal entities, and states;
- stateless individuals, who reside on the territory of the Kyrgyz Republic;
- legal entities of the Kyrgyz Republic and joint stock companies, with the exception of agricultural cooperatives of Kyrgyz Republic citizens;
- spouses, if one of them is a foreign citizen or stateless person.

In compliance with Article 7 of the Law on agricultural land management and the statute on the sale of land plots, violation of this provision may entail criminal proceedings.<sup>3</sup>

If a foreign person receives the title to an agricultural land plot from a physical or legal person of the Kyrgyz Republic via the procedure of universal succession (inheritance or reorganization), this foreign person must alienate the right to the land plot to a Kyrgyz Republic citizen within one year from the date such ownership rights to the property arose.<sup>4</sup> If the foreign person fails to alienate the given right, a state agency or local self-governance agency will file a lawsuit against this person. Subsequently, if the court rules against the foreign physical person or legal entity, the latter's agricultural land plot will be subject to either compulsory sale, or transformation into state or public property. In either case, as specified in Article 37 of the Land Code and Article 283 of the Civil Code, the foreign person will be able to receive the profits of the sale, or compensation for the transformation of the property. Thus, the allocation and transfer of agricultural land plots into foreign persons' ownership is not allowed.

### *Limitations of foreign person's rights to non-agricultural land ownership*

Foreign legal entities and individuals are generally not allowed to own non-agricultural land either. In compliance with Article 7 (3) of the Land Code of the Kyrgyz Republic, they can be provided with land plots only for fixed-term (temporary) use. As specified in Article 5 of the Land Code, land plots within the boundaries of a settlement (cities, villages, rural settlements) may be provided to foreign legal entities and individuals on the rights of fixed-term (temporary) use, or may be transferred into ownership in the case of mortgage financing of housing construction in accordance with the Law on pledge of the Kyrgyz Republic. Based on Article 5 of the Land Code, land plots outside of settlements, except for agricultural land, may

be allocated to foreign persons on the rights of fixed-term (temporary) use by the Government of the Kyrgyz Republic. In all other cases, lands outside of settlements are allocated, transferred, and assigned to foreign persons for fixed-term (temporary) use only by the way of universal succession procedure, pursuant to Article 5 of the Land Code. Thus, foreign persons are significantly restricted in their rights to own non-agricultural land in the country.

#### *Limitation on the fixed-term use of land*

In compliance with Article 7 (3) of the KR Land Code, foreign individuals and legal entities may be provided with land plots only for temporary use. In general, the term of a land plot lease may be short-term (up to five years), medium-term (up to fifteen years), and long-term (up to fifty) years.<sup>5</sup> Based on Article 7 (2) of the Land Code and Article 233-6 of the Civil Code, the fixed-term (temporary) use of a land plot for non-agricultural purposes, including the use of land on the basis of a lease agreement, is limited to a period of up to fifty years. After the expiration of this period, the parties have a right to prolong the term of land plot use. As a general rule, in compliance with Article 7 (4) of the Land Code, agricultural land can be leased out for a period of not less than five years only for agricultural purposes. State-owned agricultural land plots may be leased exclusively for agricultural needs by way of public auction, pursuant to Article 12 of the Law on agricultural land management.

One of the problems with the fixed-term use of land is connected to the procedure of obtaining land for a fixed period of time. The Land Code provisions on the powers of state and municipal bodies are ambiguous in this regard.<sup>6</sup> It is often problematic to determine which body is authorized to permit the allocation of land for fixed-term use. The competences of *ail* and *poselok keneshes* (rural councils), as provided by Article 13 of the Land Code, and those of *rayon* state administration, as set out in Article 15 of the Land Code, are not clearly delineated with respect to the regulation of land relations. Both of these bodies have the right to allocate land plots into ownership or for use. As a result, land users have to undergo the procedure of title obtainment from both bodies in practice. This, in turn, means that such users have to make payments to both of these bodies. One solution to the problem lies in introducing an amendment to the Land Code on the precise delineation of the powers of state and municipal bodies. Another solution lies in clarifying the delineation of functions and defining the scope of competences between municipal and state bodies with respect to land allocation in subordinate legislation.

#### ***Alternative ways for foreign land ownership: practical or risky?***

Although the law does not expressly provide foreign persons with the right to hold title to land in the Kyrgyz Republic, there are a number of alternative ways via which foreigners may acquire land in Kyrgyzstan. These alternative ways are designed to overcome the direct ban on foreign land ownership within Republican legislation, and are widely practiced in the country. Yet, such ways are rather risky and unreliable. Therefore, it is important to analyze one of those alternative methods of land obtainment in order to understand the risks of the process.

One of the mechanisms through which foreign persons may acquire the title to land involves the establishment of a local company in Kyrgyzstan. In accordance with Article 1 of the Land Code, a foreign legal entity is one which is:

- established and registered in compliance with the legislation of a foreign state;
- fully owned by one or more foreign individuals or legal entities;
- controlled or managed by one or more foreign individuals or legal entities based on a written contract, the right to sell the majority of voting shares, and the right to appoint a majority of the members to the executive or supervisory body;
- registered in the Kyrgyz Republic, but with no less than 20% of its authorized funds owned by foreign citizens, stateless persons or legal entities;
- established on the basis of an interstate treaty or agreement.

Therefore, foreign persons must ensure that companies established in the Kyrgyz Republic do not fall under any of the above-stated criteria for a foreign legal entity, since foreign legal entities cannot acquire a title to land. The legal entity should be established and registered in compliance with the legislation of the Kyrgyz Republic. It should not be fully owned by one or more foreign individuals or legal entities. The company must not be controlled or managed by one or more foreign individuals or legal entities based on a written contract, the right to sell a majority of voting shares, or the right to appoint a majority of members to the executive or supervisory body. Furthermore, the entity should not be established on the basis of an interstate treaty or agreement. Finally, foreign persons should register the legal entity based on Kyrgyz legislation with a share ownership not exceeding 20% of the authorized capital, but with the right to receive a majority of revenue.

If foreign legal entities and individuals follow this scheme, the legal entity that they establish will be considered to be a local company, which can acquire a title to land. It is advisable to establish this company in the form of a limited liability company. The main advantage of the limited liability company is the simplicity of its establishment and administration. In addition, another advantage of such companies is in that, as specified in Article 127 of the Civil Code, participants are not liable for company obligations, and bear the risk of losses related to the activities of the company only to the extent of the value of their contributions. At the same time, it is essential to keep in mind that, in accordance with Article 128 of the Civil Code, the number of participants in a limited liability company must not exceed thirty. In addition, a limited liability company may not have another company, which has a single member, as its sole participant. Other organizational forms of legal entities, such as business partnerships, are not advisable under the present scheme of land ownership obtainment. As specified in Articles 108, 114, and 122 of the Civil Code, partners are fully responsible for a business partnership's obligations with all property they own. In addition, any agreement to exclude any participant from participation in profit distribution in business partnerships is not allowed, pursuant to Article 113 of the Civil Code. Therefore, for the purposes of land acquisition in Kyrgyzstan, it would be practical to establish a limited liability company.

It is important to emphasize that legislation does not generally prohibit individuals and legal entities from receiving revenue in any amount, regardless of the share proportion in the charter capital. An analysis of the civil legislation of the Republic reveals that the provisions on the size of revenue may be specified in the legal entity's foundational documents. Specifically, according to Article 87 (4) of the Civil Code and Article 37 (1) of the Law on business partnerships and companies, a legal entity's founders should define the terms and order of distribution of profits and losses among themselves in the entity's foundation agreement according to mutual consent.<sup>7</sup>

The above-mentioned scheme of land obtainment is widely practiced around the world. The practice of the state of Mexico deserves careful consideration in this regard. According to Mexican real estate legislation, foreign legal entities and physical persons are allowed to purchase and own rural and urban land in the interior of the country within defined limitations on land plots used for agricultural purposes.<sup>8</sup> At the same time, in compliance with Section I of Article 27 of the 1917 Constitution of the United Mexican States, foreign persons are prohibited from owning land plots that are in coastal and border areas. Despite such constitutional prohibition, foreign persons may still be able to hold direct title to coastal and border territories via two methods.

First, foreigners can establish a legal entity in Mexico. Subsequently, the given legal entity can purchase land in the coastal and border areas of Mexico. It is interesting to note that such Mexican corporations may be established and run with 100% foreign ownership and still be able to purchase land in restricted zones. Secondly, foreign persons can establish a trust deed with a Mexican bank and become beneficiaries to that trust.<sup>9</sup> This means that foreign persons in this case may enjoy full control over the trust, and can move the trust from one bank to another without being dependent upon the directives of any particular bank. According to Article 13 of Mexico's Foreign Investment Law of 1993, the duration of such trusts may be for a term of up to fifty years, which can be endlessly renewed for a nominal processing fee. Thus, foreign legal entities and individuals in Mexico can avoid the direct limitations on foreigners' land ownership rights.

A similar situation can be observed in Thailand. Under the Thailand Land Code Act BE 2497, non-Thai individuals and companies are generally not allowed to own land. However, foreign investors may use a Thailand-registered company to obtain land ownership rights in Thailand. This company must be at least 51% owned by Thai shareholders, while the remaining 49% or less may be held by foreign investors. The one negative aspect of establishing a local company for a foreign person is the loss of absolute control over the entity and the possibility of being held responsible for the obligations of the given company.

Thus, foreign legal entities and individuals are not allowed to acquire title to land in the Kyrgyz Republic. Although the mechanisms for overcoming the ban on land ownership are widely practiced in the country, such mechanisms are rather risky. Therefore, alternative approaches to foreign land ownership should be analyzed carefully before implementation.

### ***Protectionism: good or bad?***

The restriction of the land ownership rights of foreigners is one of the most controversial and disputed limitations prescribed by law. Many of the leading specialists have argued for lifting this restriction, since it stands as an obstacle to the flow of foreign investments into the economy of the Kyrgyz Republic. For example, Ahmetov has noted that this restriction is a barrier to the "balance of interests of foreign investors and Kyrgyz society."<sup>10</sup> Similarly, Ablyazov has opined that one of the most serious hindrances to investment flow in Kyrgyzstan is the restriction of foreign persons' ability to purchase and sell land.<sup>11</sup> This position is also supported by Malenko, Alikieva, and Iconickaya, who all argue in their respective works that the ability to purchase land is one of the key factors for increasing the level of participation by foreign investors in the economy of any country.<sup>12</sup>

Such views clash with the protectionist position of the state. According to the perspective of protectionism, lifting the restriction on foreign persons' land ownership rights would result in the inability of Kyrgyz citizens to compete with foreign legal entities and individuals with regards to land purchase transactions. This concern is well justified in the context of the Kyrgyz Republic, since many of the country's citizens are incapable of buying land at a high price. In addition, as some specialists note, the mass purchase of land by foreign persons may result in the rise of conflicts between foreigners and country residents, which in turn may lead to the interference of foreign states wishing to protect their citizens.<sup>13</sup> Moreover, according to some authors, allowing foreigners to buy land plots decreases the state's sovereignty.<sup>14</sup>

These concerns are understandable. Nevertheless, the incidence of foreign land ownership *per se* does not decrease the Republic's sovereignty, since the country's authorized governmental bodies will still be able to impose legal obligations on foreign landowners, and may withdraw the titles on land plot given to foreign landowners on legal grounds should the latter violate the provisions of the Kyrgyz Republic legislation. Moreover, it is also important to realize that in today's global market economy strict protectionist measures will only hinder economic growth and the flow of investment in the long run. According to Article 13 of the Law on Investment # 66 (dated March 27, 2003), the goal of state support of investors lies in the creation of a favorable investment climate and the attraction of direct foreign investment to the economy of the Republic. Allowing investors to buy land in Kyrgyzstan is one of the ways to create such a favorable investment climate, since it is essential for foreign investors to be able to have full ownership rights over their investments.

The present problematic issue of foreign land ownership restriction has not been resolved yet. Therefore, we recommend three possible solutions that could contribute to the effective resolution of this problem:

- (1) Establishment of a *partial* restriction on the land ownership rights of foreigners;
- (2) Permission to acquire a title to land under the condition of significant investment into the economy of the Kyrgyz Republic on the part of a foreign person;
- (3) Conclusion of bilateral treaties on cooperation, trade, and investment with sovereign countries, through which the Kyrgyz Republic could progress the process of establishing and developing long-term relations in the investment sphere.

Any one of these three possible alternatives to the current strict protectionist position of the government could contribute to a more favorable investment climate in Kyrgyzstan.

#### *Partial restriction on land ownership rights of foreign persons*

The first possible solution to this problem lies in reaching a compromise, i.e. in finding a well-balanced decision that, on the one hand, would allow foreign investors to buy land in the Republic and, on the other hand, would include protective mechanisms against excessive land purchase transactions on the part of foreign persons. Our recommendation would be to institute a partial restriction on the land ownership rights of foreign persons. This means that the state would allow foreign legal entities and individuals to own a limited number of land plots on the territory of the Kyrgyz Republic. The limit could be established in the form of a certain percentage of land that could be allocated into foreign persons' ownership, or in the form of concrete size/measurement of land that could be bought by one foreign legal entity or physical person. As a result, the interests of foreign investors would be well balanced with



those of domestic physical persons and legal entities. This would certainly encourage the flow of foreign investment, and simultaneously serve as a protective mechanism against excessive land purchase transactions on the part of foreign physical persons and legal entities.

Analysis of the practices of other sovereign countries in this field clearly demonstrates the effectiveness of the recommended mechanism. For example, Canada allows foreign persons to own a limited number of land plots in the country. On Prince Edward Island, for example, non-resident buyers who wish to purchase land over five acres in size, or land with a shorefront greater than 165 feet, and must apply to the Island Regulatory and Appeals Commission in order to gain permission to buy this land plot. Foreign persons may not own more than ten acres of land in Saskatchewan.<sup>15</sup> As specified in the Canadian Agricultural and Recreational Land Ownership Act and Regulations, foreign persons in Alberta may own up to two plots of land not exceeding twenty acres in total. As can be seen from Canada's regulation of land ownership with a foreign element, Canadian legislation does not allow foreign persons to purchase a significant number of land plots, but at the same time encourages possible foreign investors to buy at least some amount of land.

Similarly, foreign persons are able to own some types of land in the Russian Federation. According to Article 15 of Russia's Land Code #136- FL (2001), foreign legal entities and individuals cannot own land plots in border areas and other special territories of the Russian Federation. In compliance with Article 15 (3) of the Federal Law "On Lands for Agricultural Purposes," foreigners cannot purchase land for agricultural purposes. However, the RF land legislation, specifically Article 28 (5) of the RF Land Code, warrants the allocation of state and municipal land plots into foreign ownership for a certain payment. Analysis of Russia's legislation shows that the Russian Federation imposes restrictions on foreign persons' ability to own land plots in border areas, but at the same time warrants their right to own land in other specified areas for a certain payment.

The practice of the state of Mexico in this regard also deserves careful consideration. In accordance with the Mexican real estate legislation, foreign legal entities and physical persons are allowed to purchase and own rural or urban land in the interior of the country within defined limitations on certain land plots used for agricultural purposes. Rural and urban land in the interior of the country constitutes 60% of Mexico's territory, which means that foreigners are allowed to buy up to 60% of Mexico's land territory.<sup>16</sup> At the same time, in compliance with Section I of Article 27 of the 1917 Constitution of the United Mexican States, foreign persons are prohibited from owning land on the coastline and border areas of Mexico.

The practice of smaller countries, such as Cyprus, is also interesting to analyze. In compliance with the Republic of Cyprus' Regulations on Stationary Property, Cyprus generally does not allow foreigners to buy land. Yet, aliens are permitted to buy land plots of up to approximately three donums in size (2675 square meters).<sup>17</sup> Thus, the Kyrgyz Republic may follow the practice of Canada, Russia, Mexico, Cyprus, and other states by instituting partial restriction on the land ownership rights of foreign persons, and balance the interests of foreign investors and society at large.

### *Conditional entitlement of foreign land ownership*

The second possible solution to the problem of foreign land ownership restriction is to allow foreign investors to buy a limited number of land plots under the condition of the buyer's

significant investment into the economy of the Kyrgyz Republic. This mechanism would serve as an incentive for foreign investors to invest into the economy of Kyrgyzstan. The analysis of such practice in other countries reveals its effectiveness. For example, in compliance with the Republic of Cyprus' Regulations on Stationary Property, foreign investors in Cyprus are permitted to buy land plots of up to 2675 square meters in size, approximately. However, the Council of Ministers of Cyprus may grant to foreign individuals and legal entities the approval to purchase a larger area of land, if the land is to be used for the development of tourism, especially if the proposed project is in an area where the Cyprus Government particularly wishes to advance tourism.<sup>18</sup>

Similar developments may also be observed in Thailand. Under the Thailand Land Code Act BE 2497, non-Thai individuals and companies are generally not allowed to own land. However, under Thai property law, specifically Section 96 of the Land Code Act, the Board of Investment may allow foreign investors to acquire ownership of a certain limited amount of land for residential purposes, if they invest significant funds into the economy of Thailand. At present, the term "significant funds" entails bringing not less than forty million Baht into the Kingdom for investment and maintenance of that investment for a period of no less than five years. Thus, the Kyrgyz Republic may follow the practice of such countries as Cyprus and Thailand, and allow foreign investors to buy a limited number of land plots in case of the buyer's significant investment into the economy of the Republic.

#### *Entitlement of land rights to foreigners under bilateral treaties*

The third possible solution to the problem of foreign land ownership restriction is to conclude bilateral treaties on cooperation, trade, and investment with those countries with which the Kyrgyz Republic is in the process of establishing and developing long-term investment relations. Our proposal is to provide for the possibility of land ownership for foreign investors coming from countries with which the Kyrgyz Republic concludes such types of bilateral agreements. In fact, as Malenko, one of the leading specialists in land ownership with foreign element, writes, the conclusion of bilateral agreements of such kind are effectively practiced throughout the world.<sup>19</sup> For instance, in Thailand, as specified by Section 86 of the Thailand Land Code Act BE 2497, non-Thai individuals or legal entities are allowed to own land by virtue of a treaty, concluded between Thailand and the country from which these foreign persons come. Indeed, the conclusion of such types of agreements may encourage the flow of investment from other countries with which the Kyrgyz Republic finds it economically beneficial to cooperate.

Nevertheless, the negative side of such an approach lies in the government's inability to control the number of land purchase transactions, as well as in the discriminatory stance of the Republic with respect to foreign persons coming from other countries which have not concluded such bilateral agreements with Kyrgyzstan. The issue of discrimination is important, as the legislation of the Kyrgyz Republic prescribes non-discrimination provisions with respect to investors. In accordance with Article 4 (3) of the Law on Investment # 66 (2003), the Kyrgyz Republic does not permit discrimination with respect to investment on the basis of citizenship, nationality, language, sex, race, religion, place of economic activity, or country of origin of investors or investments, except for special cases provided for in the laws of the Republic.



Thus, the Kyrgyz Republic does not allow foreign individuals and legal entities to acquire title to land in the country. In light of the discussed limitation, it is important to realize that in today's global market economy, strict protectionist measures will only hamper economic growth and the flow of investment in the long run. Therefore, the practical implementation of one of the three recommended solutions to this problem may contribute to a balance of interest between foreign investors and the Republic.

## **II. Restrictions on the real estate ownership rights of foreign persons in the Kyrgyz Republic**

Apart from the limitations on land ownership and use, there are also restrictions with respect to the ability of foreign persons to purchase stationary property. Legislation does not impose any restrictions with respect to the purchase of non-residential properties. However, foreign individuals that are interested in buying residential properties are able to do so only after receiving permission from the commission charged with the assignment of residential houses and apartments to foreign physical persons and legal entities on the territory of the Kyrgyz Republic under the Ministry of Justice (hereafter, the Commission).<sup>20</sup> The Commission has been established to review filed petitions and to permit/deny the alienation of residential premises to foreign persons. It consists of five members: representatives of the Ministry of Internal Affairs, Ministry of Foreign Affairs, and the National Security Service. The Chairperson of the Commission is the First Deputy Minister of Justice.

Pursuant to the Regulatory Act instituting the Commission, the procedure of the Commission's work is formal.<sup>21</sup> Foreign persons are required to file a petition to the Commission, in which they should indicate who they are, what their goals for staying in Kyrgyzstan are, information on the residential premises that they plan to buy, and data of the seller. The whole process lasts two months. During this time the Commission requests information from the Ministry of Internal Affairs, Ministry of Foreign Affairs, and the National Security Service about the foreign person that wishes to buy residential premises. If the Commission does not discover any information that could negatively impact its decision, it permits foreign persons to purchase residential premises.

Although the procedure of receiving permission from the Commission seems quite clear, there are a number of legislative gaps in the Act that regulates the activity of the Commission. The Act does not contain criteria for the determination of a foreign person's eligibility to purchase residential premises. As a result, the absence of such criteria unjustifiably widens grounds for the possible denial of permission to buy residential premises. Another problem with the Act is that it does not specify special procedures for appealing the decision of the Commission. A possible solution to these problems is to amend the Act to add provisions that will focus on the criteria for obtaining permission to purchase residential premises, grounds for denial of such permission, and appellate procedures.

Thus, the legislation of the Kyrgyz Republic imposes a number of restrictions with respect to the ability of foreign persons to own land and real estate in the country. Critical overview and careful analysis of these restrictions reveals a number of legislative gaps and discrepancies, which result in practical problems. It is the hope of the present article's authors that the recommended solutions to these problematic issues will contribute to their effective resolution in practice.

### List of References

1. Land Code of the Kyrgyz Republic. 2 June 1999. Stat. 45
2. Law on agricultural land management of the Kyrgyz Republic. 11 January 2004. Stat. 4. Art. 6
3. Statute on the sale of land plots, designated for agricultural needs of the Kyrgyz Republic. 13 August 2001. Stat. Government Decree 427; Law on agricultural land management of the Kyrgyz Republic. 11 January 2004. Stat. 4; Criminal Code of the Kyrgyz Republic. 1 October 1997. Stat. 68. Art. 179
4. Land Code of the Kyrgyz Republic. 2 June 1999. Stat. 45. Art. 5, 37 (2, 3); Law on agricultural land management of the Kyrgyz Republic. 11 January 2004. Stat. 4. Art. 28
5. Standard statute on terms and procedures for the fee-based transfer of the right to own or lease land plots within settlement boundaries. 5 February 2004. Stat. 57 (45)
6. Aydarbekova Ch. (2006). The competence of the state and municipal bodies in the regulation of land relations. *Kyrgyz National University Herald*, 52-57; Sadykov, N. (1999). On the problems of land reform. *Law and entrepreneurial business*, 4; Shimarov R. (2001). Certain Problems of Land Legislation. *Law and entrepreneurial business*, 4
7. The Law on business partnerships and companies of the Kyrgyz Republic. 15 November 1996. Stat. 60
8. Malenko, V. (2007). Land relations with a foreign element. *Law and Politics*, 6, 110
9. Malenko, V. (2007). Land relations with a foreign element. *Law and Politics*, 6, 110
10. Ahmetov, T. (2002). Limitation of the Ownership Rights to Land. *Urban Land Reform*. Retrieved October 4, 2007, from the Kalikova & Associates Law Firm Website: <http://www.k-a.kg/?nid=5&value=8>
11. Ablyazov, M. (2006). Kyrgyzstan's economic growth: innovational projects. *American University Central Asia Social Research Center, the Institute of Economic Strategies Roundtable*. Retrieved October 15, 2007 from the American University Central Asia Social Research Center website: [www.src.auca.kg/docs/roundtable\\_economic\\_growth\\_rus.pdf](http://www.src.auca.kg/docs/roundtable_economic_growth_rus.pdf)
12. Malenko, V. (2007). Land relations with a foreign element. *Law and Politics*, 6, 111; Alikieva, A. (2003). The rights of foreign physical persons and legal entities in the sphere of land relations in the Russian Federation. *Taxes. Investment. Capital*, 1-2, 16; Iconickaya, I. (1995). Foreign Investments and Land Relations. *The Legal Regulation of Foreign Investments in Russia*, 58
13. Anisimov, A., Melihov, A. (2005). On certain theoretical problems of foreign legal entities and physical persons' legal personality in land relations. *Law and Politics*, 6, 5
14. Chubukov, G. (2002). Land as Legal Category. *Ecological Law*, 3, 12
15. Carlberg, J., Furtan, W. (2002) Effects of Government Restrictions on Land Ownership: The Saskatchewan Case. *Government Policy and Farmland Markets: Implications of the New Economy* conference invited paper, Washington, District of Columbia; Clarke, J. (2001). *Land, Power and Economics on the Frontier of Upper Canada*. Montreal: McGill-Queen's University Press, 752
16. Malenko, V. (2007). Land relations with a foreign element. *Law and Politics*, 6, 111
17. *The Republic of Cyprus Immovable Property Regulation*. Retrieved October 6, 2007, from the Republic of Cyprus, Ministry of Finance Website: <http://www.cyprus.gov.cy/portal>
18. *The Republic of Cyprus Immovable Property Regulation*. Retrieved October 6, 2007, from the Republic of Cyprus, Ministry of Finance Website: <http://www.cyprus.gov.cy/portal>
19. **Malenko, V. (2007). Land relations with a foreign element. *Law and Politics*, 6, 109**
20. Regulatory Act on the Commission on the assignment of residential houses and apartments to foreign physical persons and legal entities on the territory of the Kyrgyz Republic. 15 February 1999. Stat. 82
21. Regulatory Act on the Commission on the assignment of residential houses and apartments to foreign physical persons and legal entities on the territory of the Kyrgyz Republic. 15 February 1999. Stat. 82

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## *Fractal Geometry in Psychiatry: The Vulnerable Border between Science and Pseudoscience*

Nomen est numen  
To name is to know (*Latin*)

Fashionable theories, among which fractal geometry and nonlinear dynamics – the concerns of this paper – can be included, run the serious risk of being accused of having a pseudo-scientific character, especially when recognized and approved methods of validity in one area of knowledge are indiscriminately transferred to create explanatory patterns laying in an altogether different system of coordinates. Rationalization of the theme that “the new is usually created in the nexus of several disciplines,” poses certain pacifying effects – but only until the researcher is directly confronted with the problem of his/her own ignorance in one of those branches in which he/she so optimistically attempted to join.

Explanatory models for reality and reality itself correspond to each other just as poorly as the categories “simple” and “complex.” Many theories do not seem bothered or confused by this dilemma, as they are created during the generalization, exception and distortion of an even more chaotic world. In a brilliant comment, Alexander Rueger and David Sharp (4, p. 98) precisely specify the conflict existing between fundamental laws’ ability to explain something and their ability to reflect variation in what they actually explain.

The more fundamental a theoretical design is, the better it is capable to explain a reality. At the same time, however, the specific event, the natural object or process, are in danger of being represented distortedly. The boundary between explanation and representation (reflection or description), in the opinion of Alexander Rueger and David Sharp, is filled by an intermediate conceptual space which is carrying out mediating functions between the reflection of a reality and its interpretation (4, p.101). Speech, actually, follows what Duhem calls “mediating models” – schemes, matrices or the patterns corresponding a certain theory and, thus, allowing the placement of concrete phenomena in a corresponding theoretical system. “To explain” something means to find a matrix or model “of suitable size” within the existing current theory, and then to apply its basic principles to an explanation of a concrete phenomenon.