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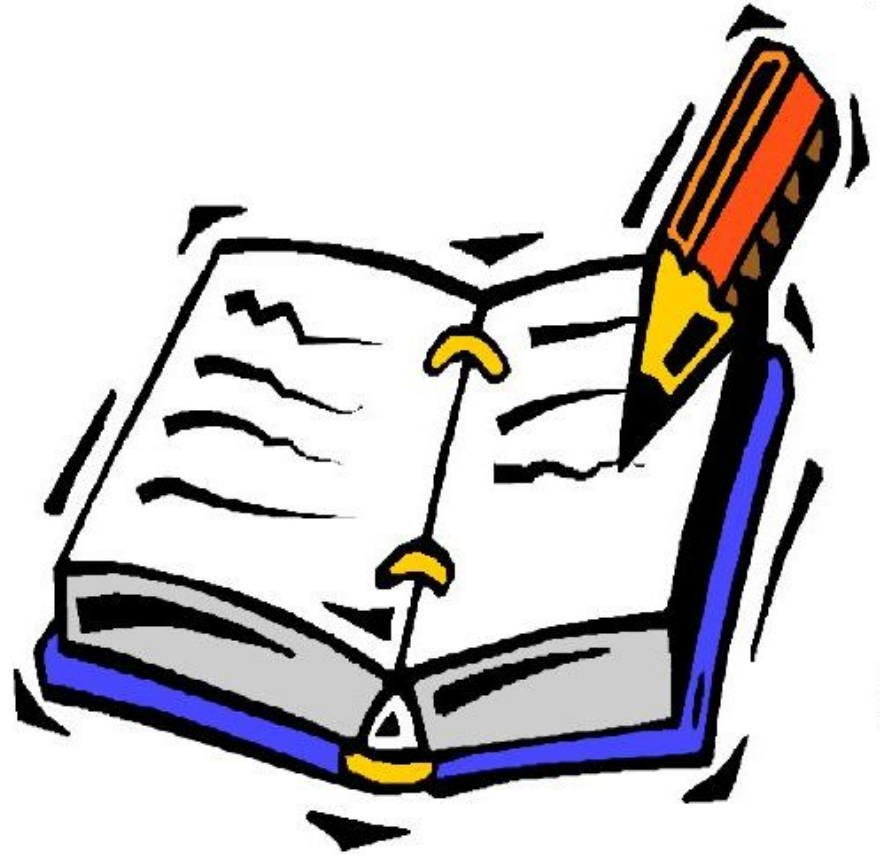
# Civil law #2

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Zhanat Alimanov, School of Law

# Home assignment 4

5. **Statute on Business Partnerships** (Закон РК “О хоз. товариществах”)
  6. **Statute on Corporations** (Закон РК от “Об акционерных обществах”)
  7. **Statute on LLP** (Закон о Товариществе с огран. ответственностью)
- Please see them on the L-Drive



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# Terms

1. Physical entities – физические лица
  2. Legal entities – юридические лица
  3. Local Governments – административно-территориальные единицы
  4. Legal capacity - Правоспособность
  5. Deed Capacity - Дееспособность
  6. Majority – совершеннолетие
  7. IE = Individual Entrepreneur = Индивидуальный предприниматель
-

# Plan

## III. Parties to Civil Relationships

1. Physical entities
  - A. Legal Capacity
  - B. Deed Capacity
  - C. Business Activity of Physical Entities



# Table

**Constitution &  
Constitutional  
Statutes**

**Civil Code**

**Labor Code**

**Tax Code**

**Other Codes**

**Statutes**

**Statutes**

**Statutes**

**Statutes**

# III. Parties (chapter 2, KZ Civil Code)

1. Physical entities
2. Legal entities
3. Government
4. Local governments

- **Parties** – субъекты гражданско-правовых отношений



# Example

**Larissa** made a will (завещание) where she gave USD 1 mln. to her dog **Sharik**.

Can **Sharik** inherit the money?



# Example

**Larissa** made a will (завещание) where she gave USD 1 mln. to her dog **Sharik**.

Can **Sharik** inherit the money?

**Sharik is not a physical or legal entity, he is not a republican or local government.**

**Он не субъект гражданских отношений.**





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## III. Parties (chapter 2, KZ Civil Code)

**Physical  
Entities?**

**Физические  
лица?**

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# III. Parties (chapter 2, KZ Civil Code)

**Physical  
Entities?**

**Физические  
лица?**



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# 1. Physical Entities

## ART. 12, CIVIL CODE

- (1) KZ citizens
- (2) Foreign Citizens
- (3) People without citizenship



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# 1. Physical Entities

## 1. Legal Capacity

Правоспособность

## 2. Deed Capacity

Дееспособность

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# 1. Physical Entities

## A. Legal Capacity

Правоспособность



# KZ Civil Code)

- ❑ Starts with **birth**
- ❑ Ends with **death**



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# Question for discussion

Six year old girl **Lena** pointed at the real bus, and said “I want this bus!!!”



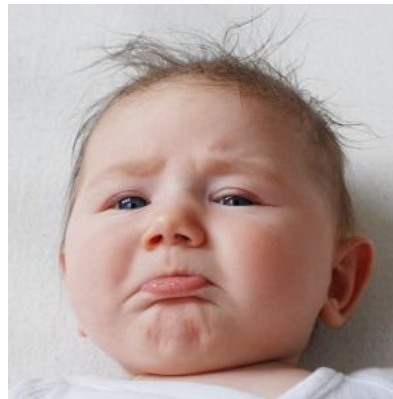
Can **Lena** be an owner of the bus?





# Question for discussion

Can  
a 2 year old boy  
Sereja own a  
factory?





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# Question for discussion

Six year old girl **Lena** pointed at the real bus, and said “I want this bus!!!”



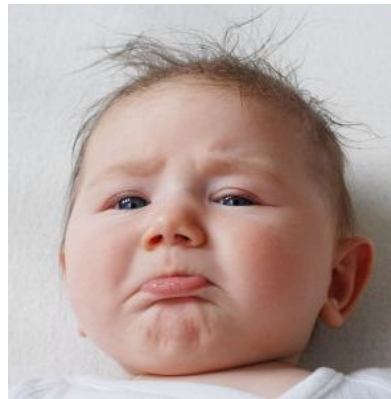
Can **Lena** be an owner of the bus? **Art. 13 & 14**



# Question for discussion

Can  
a 2 year old boy  
Sereja own a  
factory?

**Art. 13 & 14**



# A. Legal Capacity (art. 13 and 14, KZ Civil Code)

- ❑ **Title**
- ❑ **Inheritance**
- ❑ **Freedom of movement and residence**
- ❑ **Freedom to leave and come back into the country**



# A. Legal Capacity (art. 13 and 14, KZ Civil Code)

- ❑ **Company's Registrati**
- ❑ **Transactions**
- ❑ **Debts**
- ❑ **Intellectual Property**
- ❑ **Damages, etc**



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# 1. Physical Entities

## B. Deed Capacity

Дееспособность





Code)

1. Starts at **18 years** of age
2. Or with **Marriage**



## B. Deed Capacity (art. 27, KZ Civil Code)

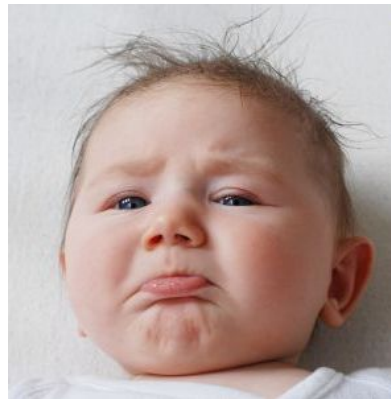
- Maybe limited by court in the event of
  - **Drug or alcohol abuse** of a person,
  - which causes **severe financial distress** to his family



# Example

Let's assume that:

- a **2 year old** Misha owns a factory.
- Does he have to pay **taxes**?

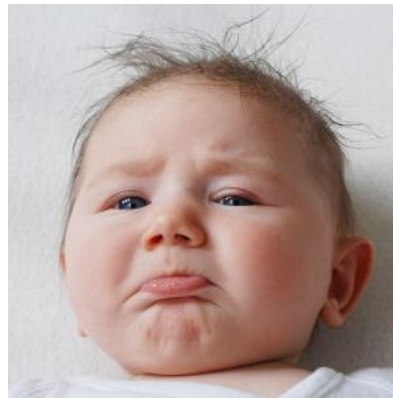




# Example

Let's assume that:

- a **2 year old** Misha owns a factory.
- Does he have to pay **taxes? Art. 13 & 14**



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# C. Business Activity of Physical Entities



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# C. Business Activity of Physical Entities

**When people are to register as IE?**



# Example 1

Let's assume that **Andrei** is a student at KIMEP.

He would like to earn money, and starts to trade cars. It is not a big business, just one car per year.

Does he have to **register** as **Individual Entrepreneur?**





## Example 2

Let's assume that Andrei hires a person to transport a car from Germany to KZ.

Does he have to **register** as **Individual Entrepreneur?**

**What does it mean hire?**  
**(Labor or Civil Contract)**



# Example 1 & 2

- **art. 19** of the Civil Code
- **art. 157**, Tax Code
- **art. 8**, Statute on Budget



# Remark

- around  $12 * 15,999 =$   
KZT 191,988

