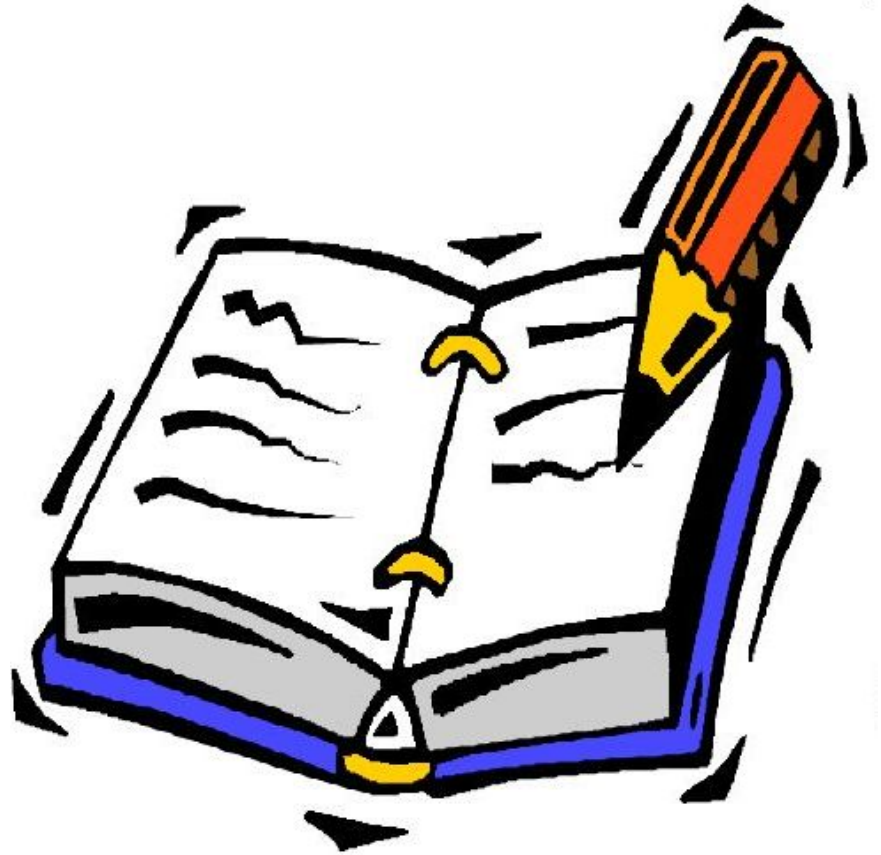


Civil law #2

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



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.



III. Parties (chapter 2, KZ Civil Code)

**Physical
Entities?**

**Физические
лица?**

III. Parties (chapter 2, KZ Civil Code)

**Physical
Entities?**

**Физические
лица?**



1. Physical Entities

ART. 12, CIVIL CODE

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



1. Physical Entities

1. Legal Capacity

Правоспособность

2. Deed Capacity

Дееспособность

1. Physical Entities

A. Legal Capacity

Правоспособность



KZ Civil Code)

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



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?



Question for discussion

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



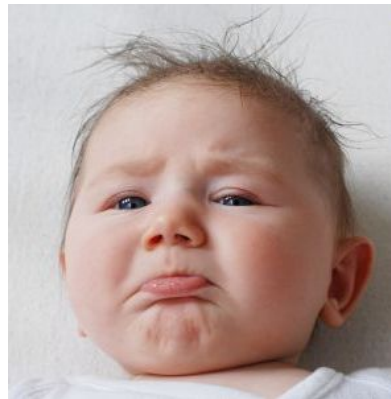
Can **Lena** be an owner of the bus? **Art. 13 & 14**



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**



1. Physical Entities

B. Deed Capacity

Деееспособность



2. Legal Capacity (Art. 11, THE CIVIL 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**



C. Business Activity of Physical Entities



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 $12 \times 15,999 =$
KZT 191,988

