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# Introduction to law

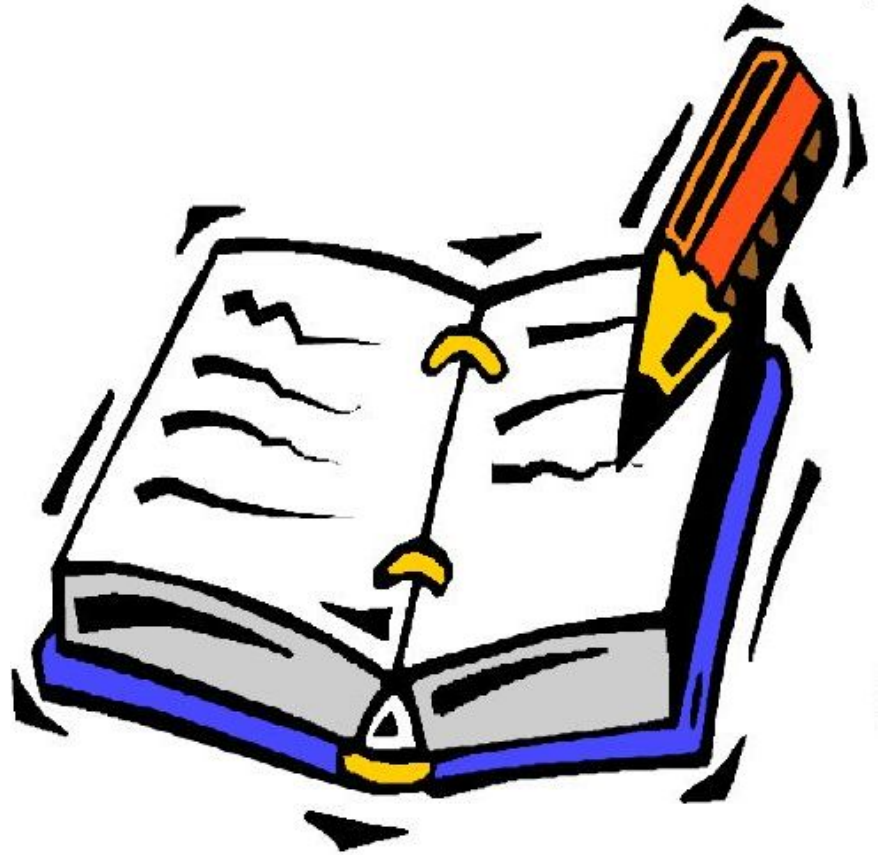
## Business Law #3

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Zhanat Alimanov, School of Law

# Home assignment 2

3. **Chapters 1, 8, 9 & 10**  
Section 1, Civil Code  
(General Part)



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# Terms

1. SNA – Statute on Normative Acts
  2. vs.=versus=against – против
  3. Contract – договор
  4. Transaction - сделка
  5. Burden of proof - бремя доказывания
  6. Legal Force of Normative Acts – юридическая сила нормативных актов
  7. Evidence - доказательства
  8. Fine – штраф
  9. Imprisonment – лишение свободы
  10. Retroactive force – обратная сила
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# Plan (Legal Force of Normative Acts)

## 1. **Action in Time**

(действие во времени)

## 2. **Territorial Action**

(действие в пространстве)



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Remark (explanation)

**Нормативно Правовой Акт**

**Normative Legal Act**



# 1. Action in Time



## Example

In **2009**, **Marina** rented (взяла в аренду) a house for 3 years.

In **2011**, KZ Parliament passes a statute obligating all tenants (арендаторы) **to be registered** with tax authorities within **a month** from the **beginning** of the contract.

In the event of non-compliance (не соблюдения), the penalty is a fine of KZT 10 mln.



# Example

**Does Marina have  
to register with tax authorities?**

- (1) Yes, and pay the fine.
- (2) Yes, no fine.
- (3) No, and no fine.



**Rent**  
for 3 years

**New Statute** =>  
registration & fine

Registration? &  
Fine?

2009

2011

2011



# Example

**Does Marina have  
to register with tax authorities?**

- (1) Yes, and pay the fine.
- (2) Yes, no fine.
- (3) **No, and no fine, art. 37, SNA.**



**Rent  
for 3 years**

**New Statute =>  
registration & fine**

**No need for registration,  
and no fine, art. 37, SNA**



# Example

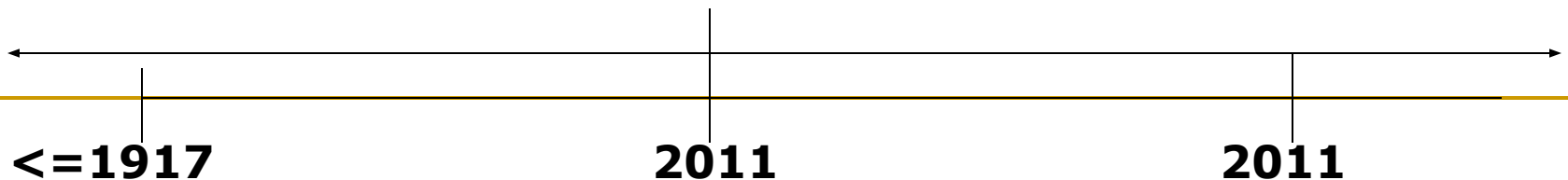
Let's apply retroactive force.  
What happens?



**Rent**  
for 3 years

**New Statute =>**  
registration & fine

**No need for registration,**  
and **no fine, art. 37, SNA**



# Example

**Is 2008 statute still applicable  
(применяется) in 2011?**

- (1) Yes
- (2) Yes, partially.
- (3) No



# Example

**Is 2008 statute still applicable  
(применяется) in 2011?**

- (1) **Yes, SNA**
- (2) Yes, partially.
- (3) No



**Old Statute =>**  
No registration & fine

**Rent**  
for 3 years

**New Statute =>**  
registration & fine

**2008**

**2009**

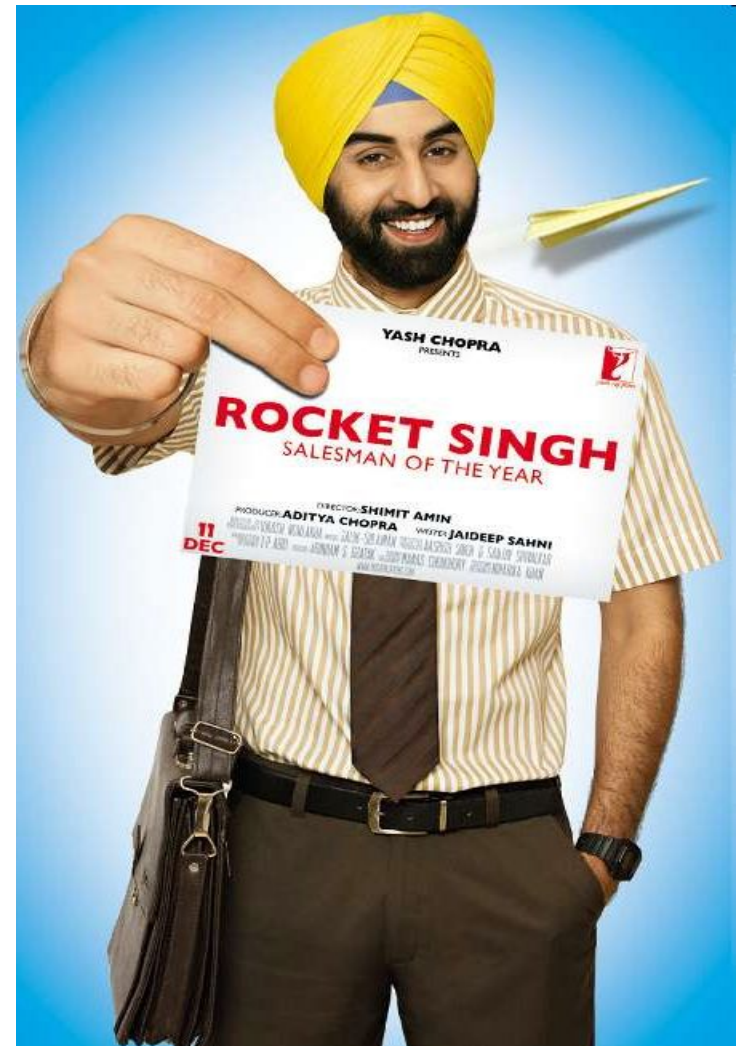
**2011**

## 2. Territorial Action



## 2. Application (art. 41-42, Statute on Normative Acts)

- **If Rocket Singh, an Indian:**
  - sells bags only to Indians
  - in KZ
- Does KZ Law apply or not?





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## 2. Application (art. 41-42, Statute on Normative Acts)

- **If an Indian company**
  - sells electronics only to Indians
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## 2. Application (art. 41-42, Statute on Normative Acts)

- **If an Indian company**
  - sells electronics only to Indians
  - in KZ
- Does KZ Law apply or not? **Yes.**



# Example 1

Let's assume that:

- it is legal to trade with opium in Afghanistan.
- Omar decided to arrange trade with KZ, and starts selling to afghans in KZ.
- in KZ, opium is banned (запрещен)
- Does KZ legislation apply to Omar's trade with KZ?



# Example 1

Let's assume that:

- it is legal to trade with opium in Afghanistan.
- Omar decided to arrange trade with KZ, and starts selling to afghans in KZ.
- in KZ, opium is banned (запрещен)
- Does KZ legislation apply to Omar's trade with KZ? **art.41, SNA**



## Example 2

**KMG EP** sold its shares in the **UK**.

Let's assume that **Aibek**, an officer of KMG EP, located in **Ozen** in KZ, **trades shares** of KMG EP through mobile Internet. He has **inside** information that the shares are going to rise.

Let's assume that UK has criminal liability for insider trading.

**Does UK legislation apply to Aibek, who lives in Ozen?**





## Example 2

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Let's assume that **Aibek**, an officer of KMG EP, located in **Ozen** in KZ, **trades shares** of KMG EP through mobile Internet. He has **inside** information that the shares are going to rise.

Let's assume that UK has criminal liability for insider trading.

**Does UK legislation apply to Aibek, who lives in Ozen? Yes.**

