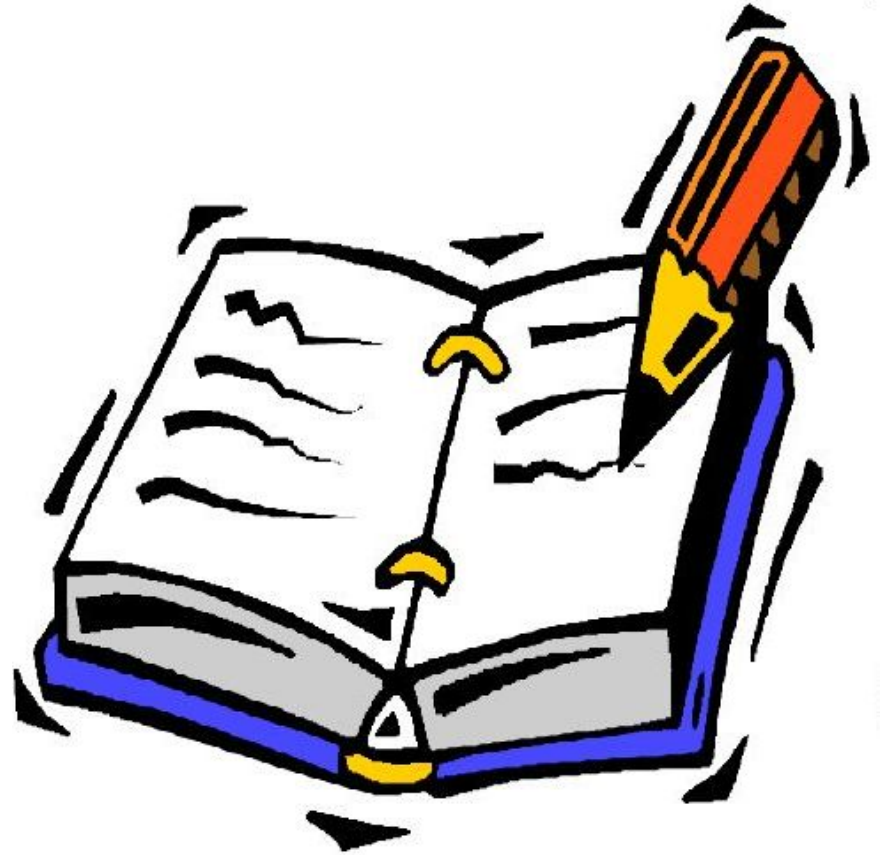

Introduction to law

Business Law #3

Zhanat Alimanov, School of Law

Home assignment 2

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



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
-

Plan (Legal Force of Normative Acts)

1. Action in Time

(действие во времени)

2. Territorial Action

(действие в пространстве)



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?

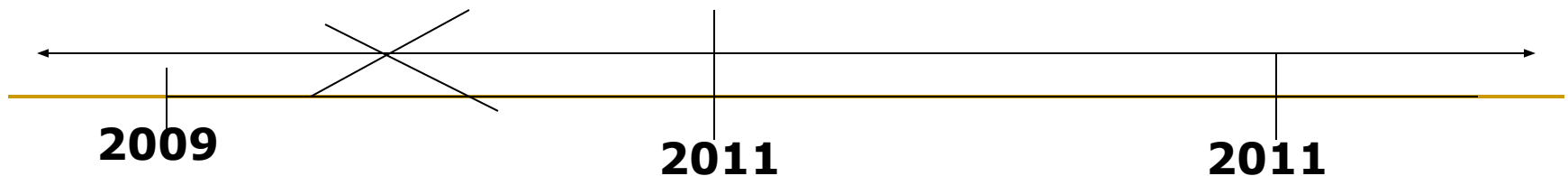
- (1) Yes, and pay the fine.
- (2) Yes, no fine.
- (3) **No, and no fine, art. 37, SNA.**



Rent
for 3 years

New Statute =>
registration & fine

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



Example

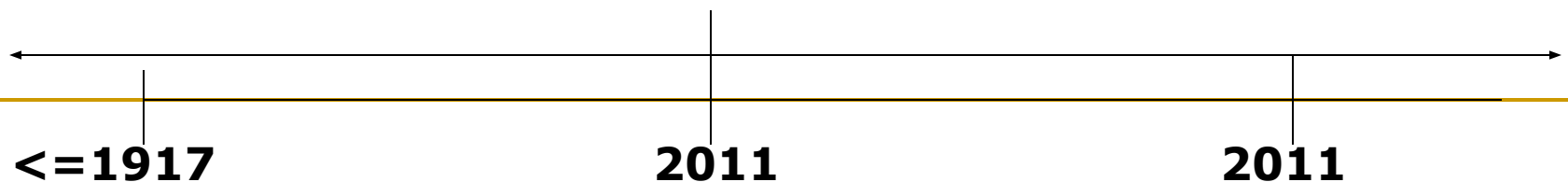
Let's apply retroactive force.
What happens?



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



Old Statute =>
No registration & fine

Rent
for 3 years

New Statute =>
registration & fine

2008

2009

2011

Example

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

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Old Statute =>
No registration & fine

Rent
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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?



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? **Yes.**



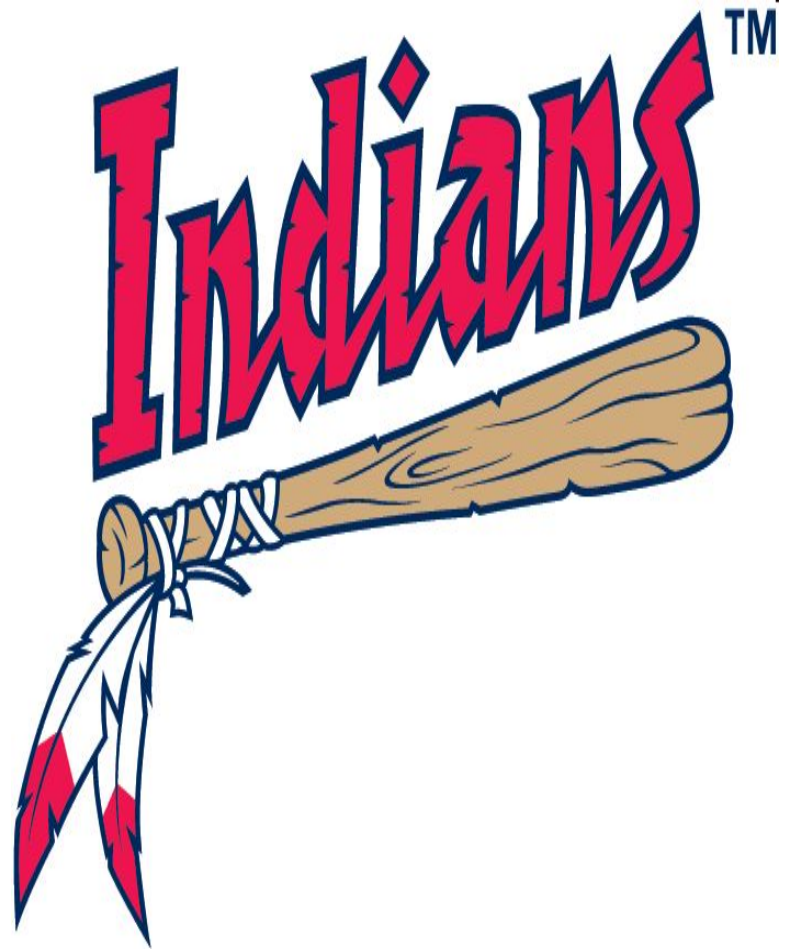
2. Application (art. 41-42, Statute on Normative Acts)

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



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?



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

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

