

# Business and Its Legal Environment

<sup>1</sup>-Alireza Hasiri, <sup>2</sup>-Danial Bastanifar, <sup>3</sup>-Vahideh Cheraghali

Department Of Business Management, Girne American University, Cyprus

E-Mail: alireza\_hasiri2010@yahoo.com, danial\_bastanifar@yahoo.com, chvahideh@gmail.com

## Abstract

The term business is comprehended and clarified in various routes by various individuals. For a few, business is a movement, for some it is a strategy for executing, for some others, it is a technique for cash making and some individuals contend that business is a sorted out action to accomplish certain pre-decided objectives or goals.

Business might be comprehended as the sorted out endeavors of big business to supply shoppers with products and services for a benefit. Organizations shift in size, as measured by the quantity of representatives or by deals volume. In any case, all organizations have the same reason to acquire benefits.

Business environment is the whole of all outside and inner elements that impact a business. You ought to remember that outer components and interior elements can impact each other and cooperate to influence a business. For instance, a wellbeing and security control is an outer element that impacts the inside environment of business operations. Moreover, some outer components are outside your ability to control. These variables are regularly called outer imperatives.

The business is controlled by two variables to be specific:

1. Internal variable or endogenous components (Structure of business, Size of the business, Policy identifying with business, Product created).
2. External variable or exogenous factors (Demographic environment, Economic environment, Geographical and biological environment, Legal environment, Technological and Social environment, Cultural and Political environment).

Legal Environment is surely understood that each nation has various legitimate controls to guarantee that the interests of business associations don't run counter to national interests. Right from the phase of incorporation of associations, their posting in stock trade, review of client dissensions, installment of assessment to government, manufacturing ways, and HR improvement to estimating of goods and services, various lawful controls must be satisfied.

For instance, in USA and a few western nations, purchaser protection is extremely dynamic, that even a therapeutic specialist is subjected to enormous liabilities in times of insufficiency in administrations. In India and different nations, exceptionally thorough legitimate procurements are set up to avert chasing of uncommon species.

Thus, any company, which manufactures goods taking into account such species, need to get legitimate authorizations. In the event of inability to respect checks issued, organizations are presently a day made to pay robust pay. Law has diverse implications and in addition distinctive abilities. Thinkers have considered issues of equity and law for quite a long time, and a few distinctive methodologies, or schools of lawful thought, have developed.

## **Introduction**

Law is a word that implies diverse things at various times. Black's Law Dictionary says that law is “a body of rules of action or conduct prescribed by controlling authority, and having binding legal force. That which must be obeyed and followed by citizens subject to sanctions or legal consequence is a law.”<sup>1</sup>

In a country, the law can serve to keep the peace, keep up business as usual, safeguard singular rights, secure minorities against greater social, advance social equity and accommodate organized social change.

Some legitimate frameworks fill these needs superior to anything others. Despite the fact that a country ruled by a tyrant government may keep the peace and keep up business as usual, it might likewise persecute minorities or political rivals.

The rule of law is essential to business. Will you envision attempting to work together without having the capacity to have any sensible desires of other individuals' conduct? Would you lead business in the event that you had no lawful means by which to secure your property advantages? Furthermore, on account of a debate, without a guideline of law framework, there would be no settled method for determining it. Without the rule of law, business would be riotous.

The rule of law builds up principles that individuals and organizations must take after to abstain from being punished. The guideline of law not just permits individuals to comprehend what is anticipated from them in their own abilities additionally puts forward standards for businesses so that they, as well, recognize what is anticipated from them in their dealings and exchanges. Also, it controls government and others from encroaching on property rights. Should question emerge,

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the principle of law gives a quiet and predictable means by which those debate can be determined and.

The tenet of law gives direction and course in each territory of business. For instance, it gives a way to convey a grumbling against another gathering to an unbiased chief so that a choice can be made with respect to the question. On account of our principle of law framework, we realize that we are allowed to document a protestation in the correct court to start litigation. On the other hand we can attempt an option strategy for question determination in the event that we don't wish to take part in prosecution.

The rule of law additionally oversees contracts amongst individuals and between traders. Under the regular law framework, certain components of an agreement must exist for the agreement to be enforceable. Under the Uniform Commercial Code (UCC), vendors are administered by a different arrangement of principles that envision and take into account adaptability in contractual terms, to encourage business needs.

Moreover, in light of the fact that we have a tenet of law framework, businesses know the principles of the amusement in regards to their relationship to workers, and representatives know the guidelines concerning their commitments to managers. Moreover, business accomplices, individuals from sheets of partnerships, and individuals from constrained risk organizations all realize what is anticipated from them in their parts opposite the business and other individuals inside their associations. When somebody accomplishes something that is not allowed, there is legitimate plan of action.

The rule of law likewise gives assurance to property. Suppose we didn't have security for non-substantial property, for example, licensed innovation like competitive advantages, trademarks, or copyrights. It would be exceptionally hard to ensure this kind of property in the event that we didn't know the principles of the diversion. Individuals would not have the motivation to make or share new licensed innovation on the off chance that they had no sensible desire of having the capacity to ensure it or of being compensated for their manifestations.

In like manner, the principle of law permits us to secure substantial property without going to phenomenal measures. Case in point, on the off chance that we had no guideline of law framework to pass on and keep up lawful proprietorship to us for our genuine or individual property, we may be compelled to employ costly private security strengths to watch our property when we couldn't be there to physically ensure it ourselves.

Businesses likewise depend on the tenet of law to oversee their account holder and loan boss connections. What's more, if money related matters don't go as expected, our legitimate framework permits organizations to approach the court for assurance from lenders under our liquidation law. This permits Businesses to shield their property from loan boss repossessions or foreclosures while they get back on track fiscally.

The rule of law additionally shields individuals from organizations. For instance, Congress has ordered antitrust enactment that keeps certain against focused practices, for example, colluding and value settling. Moreover, businesses are disallowed from utilizing misleading publicizing and are considered capable when they fabricate or offer blemished items that bring about damage.

The rule of law additionally shields businesses from government. Since everybody is liable to the tenet of law, this implies government itself may not overextend it's achieve when controlling or examining organizations. Government must play by the tenets, as well. For instance, envision that our administration could do anything, with no cutoff points or jurisdictional restrictions.

Without a rule of law framework, individuals would need to correct fulfillment for the wrongs submitted against them all alone. They would need to physically ensure their own particular property. This would prompt a breakdown in social structure, and it would bring about vigilante equity and physical quality assuming essential parts in dispute resolution.

### **Fundamentals of the Legal Environment of Business**

Creating legal insight by comprehension the essentials of lawful hypothesis and how they may affect business is just an initial phase in figuring out how legal choices ought to be made in a business connection.

The second phase includes figuring out how to apply legitimate hypotheses by and by and perceiving that having lawful awareness may show open doors for proactive business arranging and enabling entrepreneurs and administrators to utmost risk, pick up a competitive advantage, and increase the value of the business. Studies and research shows that when directors work agreeably with their lawyer, the outcomes add to better key business choices that enhance the business. Administration groups with legal knowledge increase the value of their organization by constraining obligation and recognizing opportunities. Therefore, work intimately with a business lawyer results in business opportunities, decreased expenses, and constraint of danger and obligation. For bigger organizations or organizations that have exceptional administrative

weights, (for example, conforming to securities or patent laws), lawyer might be an important part of the official or mid-level administration group.

The greater part of organizations depends on lawyers utilized by law offices for their lawful needs. The larger part of organizations, in any case, depends on lawyers utilized by law offices for their lawful needs. These lawyers give a lot of their expert time to exhorting organizations on issues, for example, development, administration, work and job laws, administrative office consistence, legitimate exchanges, (for example, an obtaining), protected innovation, (for example, trademarks or licenses), and other lawful issues vital to business operations.

It is not abnormal that more than one lawyer's recommendation is required when confronting a huge legitimate issue, for example, a work separation claim or when getting financing for a company from the overall population through the offer of stock.

### **How Law Affects Business Disciplines?**

Business has given new information on business directions, empowering research on them to thrive. Broad exact writing has surveyed how the administrative environment for business influences a wide scope of monetary results at both the expansive scale and littler scale levels including profitability, development, work, exchange, Investment, access to finance and the casual economy.

A comprehension of the legitimate environment of business is pertinent to be sure, vital to working great inside each of those businesses. Also, a strong comprehension of the legal environment can stay away from obligation or if nothing else minimize hazard. In business, it is insufficient to comport yourself and your business morally.

You should likewise guarantee that you comprehend the legal environment in which you are working, so, it is vital to you, to your boss, and to the various individuals who might be depending on your business ability, for example, your workers and your family to comprehend the legal environment.

Such an understanding will help you keep away from or decrease the probability of obligation introduction, empowering you to deal with your business undertakings effectively, unencumbered by unmanaged lawful obligation dangers. This segment gives a few case of how law influences particular business disciplines.

Amid the recent years, accountants have been in the spotlight because of at fault conduct of a few individuals from the calling amid surely understood business embarrassments, for example,

Enron. To a great extent as an aftereffect of the aftermath from the Enron case, Congress passed the Sarbanes-Oxley Act (SOX) of 2002, which forced stringent oversight necessities on bookkeeping and evaluating firms. The requirements try to guarantee competence, consistence with security laws, and behavior steady with accepted accounting guidelines.

Obviously, the Enron outrage and SOX were both genuinely impressive case of how law can influence bookkeeping. Different routes in which law influences this control are through direction. For instance, the U.S. Securities and Exchange Commission's (SEC) mission is to ensure financial investors and to keep up a reasonable business sector, in addition to other things.

According to this, the SEC implements bookkeeping and auditing strategies to permit financial investors to settle on choices in light of exact data. The SEC seeks after charges of bookkeeping misrepresentation and manages private control of the bookkeeping calling.

The law likewise influences account. Like bookkeeping experts, numerous who work in finance is additionally controlled by the SEC. The SEC is worried that financial specialists get exact data to create investment choices. Also, the SEC implements denials against insider trading and seeks after cases of different sorts of securities extortion, for example, Ponzi schemes.

Law likewise influences those in administration. For example, information of occupation law is fundamental to those in HR. Title VII of the Civil Rights Act precludes separation identified with secured qualities in procuring and livelihood hones. Those in administration likewise should know about the potential risk that requests on workers may make.

For instance, in Oregon, McDonald's was observed to be subject for injuries coming about when an off-duty, off-premises worker fell asleep while driving. The worker had worked three movements amid a twenty-four-hour period. The court held that businesses have an obligation to stay away from behavior that makes a predictable danger of damage to others.

In the event that your field is marketing, the law likewise identifies with your work. Advertisers must be especially sensitive to tort law, buyer protection law, and intellectual property law. For instance, to keep away from charges of slander, those in publicizing need to take care thee well not to stigmatize someone else, business, or goods.

It may entice to do as such, particularly on the off chance that you were occupied with genuine rivalry with another organization that sold a comparative item. In like manner, advertisers must take awesome consideration not to take part in deceptive advertising ways; for fear that their

manager crosses paths with the Federal Trade Commission's (FTC) arrangements or the FTC Act.

Moreover, advertisers must know about other individuals' intellectual property to stay away from copyright or trademark encroachment in their own work goods. These are some of case of how the law identifies with particular business disciplines. Obviously, this is only a review. It is officeholder on every business expert to get comfortable with the lawful environment in his or her calling.

Businesses may give preparing in regards to lawful environment issues, for example, anti–sexual provocation preparing or anti insider exchanging preparing, in any case, getting comfortable with the legitimate environment is each individual obligation. Keep in mind that a barrier of "I didn't know the law!" is no protection at all.

### **Legal environment factors affecting business**

Governments control the business exercises is numerous ways both immediate and indirect. We have officially secured government's monetary arrangements. Be that as it may, government can control business exercises in a more straightforward manner. These are as per the following:

With a specific end goal to defend the interest of the group government may boycott or breaking point the creation of specific products and services. For instance, offering of firearms, hazardous and unsafe medications are illicit in numerous nations. In addition, Goods which hurt the earth are likewise completely banned or entirely controlled in numerous nations, e.g. Aerosol cans that utilization cfcs which has been banned due to their harming impact on the ozone layer. Government may pass laws to ensure the interest of workers, for example, Laws against unreasonable separation at work and when applying for occupations. There is no unreasonable separation on the premise of Race, religion, sex, age, or skin color.

Legislations for health and Safety at work:

1. To shield laborers from hazardous devices.
2. Workers ought to be given safety tools and dress.
3. A sensible workforce temperature is kept up for laborers.
4. Proper hygienic conditions and washing area are given.
5. Workers get sufficient breaks between shifts.



6. Secure workers against unfair dismissal (Business can not release the employee since they have joined an exchange union or for being pregnant. There ought to be appropriate cautioning before releasing an employee else it will be dealt with as unfair rejection.)
7. Guarantee reasonable salary for the workers (In numerous nations, government creates it compulsory to have a composed contract of vocation. It contains the details of salary rate; working time, derivations (assuming any) and other vital insights with respect to working situation. Least wages paid to various kinds of laborers are additionally controlled by the government.)

#### Buyer Protection law:

A large portion of the nations have buyer assurance laws gone for ensuring that organizations demonstration decently towards their purchasers: A few of illustrations are:

1. Weight and Measures Act: merchandise sold ought not to be underweight. Standard weighting devices ought to be utilized to gauge products.
2. Trade Description Act: purposely giving deceiving impression about the item is illicit.
3. Customer Credit Act: According to this act purchasers ought to be given a duplicate of the credit understanding and ought to know about the interest rates, length of loan when getting a loan.
4. Offer of Goods Act: It is illicit to offer goods with genuine defects or issues and products sold ought to adjust to the portrayal gave.

#### **Legal essentials for business**

One of the principal things you have to discover when you're beginning is the thing that laws apply to your new business. As a small entrepreneur, you'll realize that being lawfully consistent depends on monitoring laws and regulations. You may want counsel a law proficient to help you



with all the lawful necessities that you should consent to, for example, licenses and registrations, contracts and rents.

On the off chance that you require legal exhortation on a business issue, then the online Small business lawful aide may offer assistance. It covers issues you may experience, for example, contracts, vocation, debt recovery, credit, reasonable trading, rent, finance and tax and insurance.

We've delineated six lawful issues beneath to help you when beginning your business and guarantee you stay consistent.

- 1- Business registrations
- 2- Licenses
- 3- Privacy Act
- 4- Anti-bullying laws
- 5- Independent contractors
- 6- Unfair dismissal

### **Business registrations**

All entrepreneurs in Australia need to register before initiating any business exercises. And registering a business name, there are an assortment of assessments that can effect on your business that you might be required to enlist for. These may include:

- An Australian Business Number (ABN)
- The Goods and Services Tax (GST)
- A Tax File Number (TFN)
- Pay as you go (PAYG) withholding.

### **Licenses**

On the off chance that you work a business, it's conceivable you'll require certain licenses to ensure you're agreeing to your legitimate commitments.

The Australian Business License and Information Service (ABLIS) can take the mystery out the licenses, permits and registrations expected to maintain your business. You can look the ABLIS to discover government licenses, permits, endorsements, registrations, codes of practice, benchmarks and rules you have to think going to meet your consistence obligations.

The permit or allow you require may rely on upon the item or administration you're offering. You'll have to see if there's an authorizing necessity for your specific business, or you may confront fines or different challenges.

Organizations offering goods for utilization as nourishment, for instance, could require a Food Business License. Notwithstanding, there might be different licenses that aren't so self-evident, so it's best to do some research into this region. Licenses and allows can fluctuate from state to region, so it's best to discover this data from your neighborhood, state/domain, or government, to guarantee you're making the best choice. Look for your state and business sort in ABLIS today.

### **Privacy Act**

Another arrangement of protection standards was presented in March 2014. The standards cover how a business handles individual data, including the:

- Handling and processing of individual data
- Use of individual data for direct advertising purposes
- Disclosing of individual data to individuals abroad.

### **Anti-bullying laws**

Individuals who believe they're being harassed in the work environment can apply to the Fair Work Commission for help in determining the issue. Bullying happens when a man or gathering of individuals, repeatedly behave unreasonably towards a employee. The conduct additionally must be considered a danger to the laborer's wellbeing or security.

### **Independent contractors**

Independent contractors are independently employed and give a support of a work. They frequently arrange their own payments and working plans, and have the chance to work for a scope of customers at any time.

Before going into an agreement, you'll have to figure out if somebody is delegated a self-employed entity. Their status will influence their rights and commitments. It's feasible for somebody to be a worker for some business and a self-employed entity for other work.

You additionally need to recollect that it's illicit to terminate, or debilitate to terminate, a worker in the event that they don't consent to end up a contractual worker. It's critical to know whether you're enlisting a self-employed entity or an employee, so you can make sure you're consenting to your lawful commitments. Attempt our Contractor choice device to see whether somebody will probably be an independent contractor or a worker.

### **Unfair dismissal**

Small organizations have distinctive laws contrasted and bigger organizations with regards to out of unfair dismissal. Most small organizations (those with less than 15 workers) will fall under the Small Business Fair Dismissal Code. On the off chance that you want to fire a worker, it's essential you take after the guidelines sketched out in the Code. Five Common Legal Issues Faced by Businesses:

As a proprietor of a little business, the peril of injuring case ought to likewise be at the highest point of your needs. Here are probably the most widely recognized legitimate issues confronting small organizations.

### **Disgruntled Employees**

As a business owner, this will be a standout amongst the most widely recognized legitimate problems. In America, workers have significantly more rights than different nations, as unions and purposes behind "wrongful end".

### **Discrimination/Harassment Cases**

The legitimate implications of alleged discrimination sexual, ethnic, age or something else, can bring about your organization significant issues. Ensure you're HR and lawful divisions are all around prepared to handle these issues if they emerge.

Amid the enlisting process, ensure you are set up with every one of the candidates' resumes ought to claims of segregation emerge, to demonstrate that you contract the most qualified people, without considering sexual orientation, ethnicity or age. Hold general gatherings to supervise colleague relations and guarantee that segregation on a smaller scale is not happening between office clubs, or affecting the choices of center and lower directors.

Provocation sexual, racist or generally can be a major issue in a coordinated working environment with laborers from different ethnic and religious foundations and social classes. General gatherings and meetings with staff will permit your directors to police these transgressions, which ought to be wiped out rapidly through the quick end of guilty parties.

### **Immigration Audits**

You ought to ensure that all your organization's workers can legitimately work. Do finish down compasses off your organization's staff, utilizing background checks, to distinguish unlawful migrants with falsified documents.

### **Copyright and Patent Issues**

Organizations in the tech business frequently confront forceful patent litigation. Organizations frequently sit on licenses for quite a long time, trusting that another organization accidentally abuses them, to get income sans work through patent and copyright lawsuits.

In the goods development stage at your organization, ensure your innovative work groups completely look into the licenses and copyrights of your present item, to keep away from an untidy fight in court if you venture on a contender's toes.

### **Dissatisfied Customers**

Clients who are disappointed can document legal lawsuits against your organization, in which they assemble in extensive buyer gatherings and assault your organization over flawed goods, services or guarantees. With enough disappointed clients, class action lawsuits can accomplish more harm than any individual or company and hopelessly discolor your image's picture.

Once more, be proactive and keep a finger to the beat of your clients through technical support, online message boards and messages. Speedily issue reviews for imperfect goods and be brief to address client issues.

## **Other Legal Issues**

These are just probably the most well-known legitimate issues confronting small organizations today. Different ones incorporate tax litigation and legitimate question with contenders and temporary workers. Ensure you are proactive in tackling these issues before they begin, and ensure you have a strong legitimate group to back you up if you get sued. Good communication in the working environment and a hands-on way to deal with administration is the best obstacle to lawful issues.

## **Main Ten Reasons for Studying the Legal Environment of Business**

1. Becoming mindful of the rules of working together.
2. Familiarizing you with the legal limits on business freedom.
3. Forming alertness to potential misconduct of competitors.
4. Appreciating the breaking points of enterprise.
5. Being able to communicate with your lawyer.
6. Making you an all the more completely educated native.
7. Developing an employment-related skill.
8. Exploring the fascinating complexity of business decisions.
9. Providing an elevated consciousness of business morals.
10. Opening your eyes to the excitement of the law and business.

## **Legal Issues to Consider When Starting Your Business**

An example of a percentage of the legal concerns you might need to address with your lawyer before you begin your business.

There are a large number of lawful issues to consider with regards to beginning your business. Everything from your business name to its structure to its operation has lawful ramifications.

What takes after is an inspecting of a percentage of the legitimate concerns you might need to address with your lawyer before you begin your business. You should ensure that the business name you plan to utilize is not as of now being utilized by another business.

You can do this by doing a name seeks with the proper state organization, which is generally the workplace of the Secretary of State.

### **Your Business Structure**

You should choose which business structure best suits your business. Your business could be organized as a sole-proprietorship, association, limited organization, partnership, S-enterprise, or constrained liability organization. To choose what structure is ideal, you should consider risk issues connected with your business and which frame will give the best tax structure to your business.

### **Business Licenses**

Contingent upon what kind of business you plan to take part in, you may require an assortment of licenses or allows. At the very least, you will require a business permit and tax registration.

### **Non-Disclosure Agreements**

On the off chance that you will be setting up financing for your business or going into contracts with suppliers, you ought to consider secrecy and non-disclosure agreements. Since these outside firms will have entry to business data that you might need to keep private, you ought to consider having them consent to these arrangements.

On the off chance that you are requesting a thousand things for your great opening, you don't need the supplier to call your rival to check whether they need a thousand doohickeys so they can offer them around the same time. The more private data your strategy for success contains, the more imperative these agreements are. Utilize All Law's nondisclosure structure for your business.

## **Zoning**

When you are selecting the area for your business, you should ensure it is legitimately zoned for the sort of business you plan to work. It is not alright to simply accept that, if your business is of the same kinds as the one that is right now there, the zoning is suitable. Zoning may have changed when alternate business was working, and that work may have been given an exclusion that won't be given to yours.

## **The International Legal Environment**

The legal environment confronting organizations working globally is not just a scaled-up form of domestic law. Organizations are confronted with legitimate guidelines got from numerous sources, and implemented by bodies with divided and covering jurisdictions.

Other than human rights issues, different worries about working together in the universal environment exist. For instance, it is not phenomenal for contaminating commercial ventures to situate to nations that have laxer ecological controls than they would confront at home.

Ecological corruption, for example, the abuse of natural resources, era of contamination, and disgraceful transfer of waste items, is a typical by-result of worldwide organizations.

The nature of legal environment applies to businesses operating in the international scene. Doing business overseas can be an entangled lawful undertaking that consists of three parts.

1. Public universal law is the arrangement of guidelines and standards overseeing the behavior of and connections amongst states and worldwide businesses also some of their persons.
2. Private universal law oversees connections amongst individuals and businesses occupied with worldwide exchanges and addresses which laws will apply when the groups are in a lawful question.
3. Outside law is a law imposed by a foreign nation.

On the off chance that your organization participates in any exchanges abroad, it will need to acclimate itself with the general ideas of open and private universal law and in addition remote law, since all can influence the way in which you can take part in business abroad.



Generally, organizations are required to keep their own particular appropriate household laws and additionally the laws of the remote nation in which they are leading business.

### **Conclusion:**

As mentioned, An Environmental Management System recognizes and builds up an arrangement of tenets and practices to assist everybody inside an association to comprehend and acknowledge how, through their activities, they can best guarantee exclusive requirements of natural consideration.

The legal environment sets up tenets that individuals and organizations must take after to abstain from being punished. The legitimate environment not just permits individuals to comprehend what is anticipated from them in their own abilities additionally puts forward standards for organizations so that they, as well, recognize what is anticipated from them in their dealings and exchanges. What's more, it limits government and others from encroaching on property rights.

The standard of law gives direction and course in each zone of business. As a result of law framework, we realize that we are allowed to document a protestation in the best possible court to initiate litigation. The legal environment also governs contracts between employee and between businesses. Under the legal environment, main factors of a contract must exist for the contract to be enforceable.

Also businesses rely on the legal environment to help them enforce agreements against contractors who fail to run. In addition, in light of the fact that we have a legal environment, managers know the standards of the diversion in regards to their relationship to workers, and workers know the tenets concerning their commitments to bosses.

Similarly, business partners, members from boards of corporations, and individuals from restricted risk organizations all realize what is anticipated from them in their parts versus the business and other individuals inside their firms. When somebody accomplishes something that is not allowed, there is lawful plan of action.

The legal environment additionally gives assurance to property. Suppose we didn't have assurance for non-tangible property, for example intellectual property like competitive advantages, trademarks, or copyrights. It would be extremely hard to ensure this sort of property in the event that we didn't know the standards of the diversion. Businesses can rely on the legal environment to govern their debtor and creditor relationships. The legal environment allows businesses to ask the court for protection from creditors under our bankruptcy law.

The legal environment shields businesses from government. Since everybody is liable to the principle of law, this implies government itself may not overextend its scope when regulating or investigating businesses. Government must play by the principles. The legal environment system prevents some abuses.

Without the legal environment, individuals would need to correct fulfillment for the wrongs conferred against them on their own. They need to physically ensure their own property. This would prompt a breakdown in social structure, and it would bring in vigilante justice and physical strength playing essential roles in dispute resolution.

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