



Legal Entities – As Subjects of Civil Law

Nadirbekova Umida Karamatdin qizi

A student of the Faculty of Law of KSU

Farhad Kutlimuratov Kalbaevich

Scientific Supervisor, candidate of Law, associate professor KSU

ABSTRACT

In this article, the importance and role of obligations of legal entities in the structure of legal relations is reflected on the basis of normative legal documents and legal literature

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Among the subjects of civil law, legal entities are distinguished by their characteristics, methods of formation and annulment, participation in civil-legal relations, exercise of subjective rights.[1]

The ability to participate in civil legal relations as independent subjects of civil law and to have certain rights and obligations in this regard is given not only to citizens, but also to legal entities. In the Republic of Uzbekistan, a whole set of laws regulating the activities of legal entities has been created. Political parties, banks and banking activities, notary, limited liability and additional liability companies, Economic companies, Private enterprises, Joint-stock companies and protection of shareholders' rights, Freedom of conscience and religious organizations, Non-governmental non-profit organizations, Public funds, Exchange and exchange activity laws are among them. [2]

A person who owns separate property in his own property, business management or operational management, is also responsible for his obligations with this property, can have property and personal-property rights on his own behalf and can exercise them, fulfill obligations, sue in court. an organization capable of being responsible and liable is a legal entity (Civil Code, Article 39). [3]

Not any organization, but only organizations that meet certain requirements can be a legal entity. Legal entities: 1) organizational unit; 2) property independence; 3) independent property responsibility; 4) must have signs of acting on his own behalf in civil transactions.[4]

The state is not responsible for the obligations of state organizations that are legal entities, and these organizations are also not responsible for the obligations of state organizations.

A legal entity can independently be a claimant and a defendant in a court. Each legal entity is required to have its own company name. The name of the firm indicates the organizational and legal form of the legal entity. [2]

A legal entity shall have civil legal capacity in its activities in accordance with the purposes stipulated in its founding documents.[1]

It is quite natural that there is a difference in the scope of legal capacities between organizations and citizens. Organizations cannot have certain rights and obligations towards citizens, they can only engage in the activities specified in their charter or regulations. The special legal capacity of a legal entity is determined by its charter, statute or legal documents (Article 41, Part 3 of the Civil Code). [3]

A legal entity can engage in certain types of activities specified by law only on the basis of a special permit (license). In civil law, the principle of equality of legal capacity for citizens is established, if the content of civil legal capacity is defined by the law as equal for all citizens, the legal capacity of legal entities differs from it and is different for each type of them. [2]

Legal capacity of legal entities also differs from civil capacity. If in citizens, unlike legal capacity, legal capacity is established after reaching a certain age, legal entities have legal capacity at the same time as legal capacity. At the same time, it is not possible to limit the legal entity's legal capacity and declare it incompetent, unlike the civil legal entity's legal capacity. A legal entity acts on the basis of its charter or charter. The legal capacity of a legal entity comes into existence from the moment of approval of its charter or charter or after the relevant competent authority issues a decision on the establishment of this legal entity. A legal entity is established upon state registration (Article 44, Part 4 of the Civil Code).[3]

As a general rule, if the founding documents of a legal entity meet the requirements of the law, it must be registered with the state within three working days.

The charter of a legal entity or its statute is a document that establishes the rules of legal significance for its activity. In the Charter, the following:

- name, location, postal address of the legal entity;
- organizational and legal form of a legal entity;
- purpose and areas of activity;
- the amount, time, formation procedure of the chartered fund;
- increasing and decreasing the authorized fund;
- distribution of profit and compensation of losses;
- control over activities;
- labor relations;
- procedure for storing documents and providing information;
- procedure for reorganization and liquidation of a legal entity;
- other information provided by the law is displayed. [2]

Legal entities can be created in the following ways:

1. By command. In this way, legal entities considered as state organizations are established.
2. Method of application. In this case, the possibility of the creation of legal entities created by the founders will not be predetermined by the law. Therefore, in such cases, the state body examines the expediency of the existence of such a legal entity.
3. Method of obtaining permission. The possibility of legal entities being established in this way is determined in advance by the laws, and therefore, the appropriateness of their establishment or not is not checked, but only the compliance of the founding documents with the law is checked. The founding agreement of the legal entity is drawn up by the participants, and the charter (statute) is approved. [1]

Article 53 of the Civil Code defines the grounds for liquidation of legal entities as follows:

1. In accordance with the decision of the founders of the legal entity or the body of the legal entity authorized to liquidate by the founding documents;
2. Expiry of legal entity;
3. In connection with the achievement of the intended purpose of establishing a legal entity;
4. When the court found the registration of the legal entity to be invalid due to violations of legal documents during the establishment of the legal entity, if these violations cannot be eliminated;
5. When the activity of a legal entity is carried out without a permit (license);
6. If the activity prohibited by the law is carried out;
7. In other cases provided for in FC, it is terminated according to the decision of the court;
8. As stated in Article 57 of the Civil Code, the bankruptcy of a legal entity leads to its liquidation.

When a legal entity is liquidated, a liquidation commission is appointed. The liquidation commission publishes a notice about the liquidation of the legal entity and the procedure and deadline for the declaration of the claim by the creditors in the media where the information about the state registration of the legal entity is printed (Article 55 of the Civil Code). This period cannot be less than two months from the moment of publication of the notice of termination. [3]

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