

SUMMARY

Key Words: commitment termination the commitment, discharge the performance of, a termination transaction

Topic of graduation qualification work: Termination of obligations under the civil legislation of Russia

Subject matter: provisions of modern domestic legislation, law enforcement practice, scientific works devoted to the problems of termination of civil obligations

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The relevance of the research topic The realities of changes in social relations have led to the need to promote civil legislation and the implementation of its referral, which is currently taking place. This could not but affect the provisions of civil law on termination of obligations in general and the application of separate grounds for termination of obligations in particular.

The purpose of the work is to study the procedure and basis for termination of civil obligations and to identify the most general patterns of exercise of rights by subjects of the obligation in the process of termination.

The purpose of the work: in the study of the procedure and grounds for termination of civil obligations and identifying the most General patterns of exercise of rights by the subjects of the obligation in the process of its termination.

Objective: complexes of processes of realization of the rights by subjects of civil obligations mediating dynamics of legal relations at the stage of their termination.

The theoretical and practical significance of the research is that the conclusions and recommendations resulting from the presented study contribute to the development of civil law knowledge, the author 's proposals can be used as a basis for further development of problems of fulfillment of obligations. It is possible to use work materials in the training process when teaching a civil law course.

Results of the study:

1. A distinctive feature of the binding legal relationship that separates it from other civil legal relations is the mandatory presence of at least two defined entities (debtor and creditor) with corresponding obligations and rights.
2. Termination of an obligation should be considered as a legal consequence of the effect of the method of termination on the relations of its subjects, the legal result of the effect of a legal fact (or actual composition) leading to transformation (change) or termination of a relative civil link.
3. Set-off, as a way to terminate obligations, is realized by means of two interrelated acts - refusal to perform an obligation in one obligation and rejection of the right of claim in another (counter) obligation.
4. In case of final impossibility of performance of the obligation, it shall be considered terminated from the moment of occurrence of the circumstance rendering its performance impossible, regardless of presence or absence of notification of the counterparty of occurrence of this circumstance.

Recommendations:

1. It is proposed to change the content of Clause 2 of Article 453 of the Civil Code of the Russian Federation and to amend it as follows: "2. Upon termination of the contract, its validity (art. 425 of the Civil Code of the Russian Federation) is terminated for the future, unless otherwise provided by law, the contract or is derived from the substance of the obligation. It is not possible to reinstate the contract on its original terms after its termination. "
2. Article. 410 of the Civil Code of the Russian Federation should be supplemented by the phrase: "The obligation shall be considered terminated from the moment of receipt by the counterparty of the application for offset of the counter-homogeneous claim."