

## Summary

**The topic of the graduate work:** Legal status of federal state institutions as subjects of civil law

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**The relevance of the research topic** is due to the fact that in the modern legal mechanism of Russia, state institutions, as active participants in civil legal relations, have a very important role. This is due, first of all, to the fact that they are the main link entrusted with the implementation of the task of creating conditions that ensure a decent human life in a variety of areas: education, health, road construction, etc.

**The purpose** of the final qualification work is a comprehensive analysis of the civil law matrix regulating the status of Federal state institutions as subjects of civil law, identifying emerging theoretical and practical problems, as well as developing proposals for their solution.

To achieve this goal, **the following tasks** were set as part of the final qualification study:

- to consider the concept and essence of the legal status of Federal state institutions as subjects of civil law;
- to study the legal nature of the civil status of Federal state institutions;
- to study the foreign experience of regulating the civil status of state institutions;
- to analyze the specifics of certain types of activities of Federal state institutions;
- determine the specifics of financial support for the activities of state institutions;
- evaluate transactions and obligations of Federal state institutions as participants in civil law relations;
- analyze the civil law activities of the Federal highway Administration and the Federal road Agency.
- identify current problems of civil law regulation of Federal state institutions as subjects of civil law;
- to formulate the main directions for improving the legal status of Federal state institutions as subjects of civil law.

### **Theoretical and practical significance of the research.**

**The theoretical significance of the research** lies in the fact that the conclusions and proposals formulated in it concerning the improvement of the legal status of Federal state institutions as subjects of civil law can be used in the further scientific development of this problem. The theoretical and methodological provisions based on the master's thesis can be used in the educational process when preparing educational and methodological materials on relevant topics in the course "Civil law".

**The practical significance** of the study is the possibility of further using the results of the study in the daily activities of Federal state institutions, which can contribute to improving the effectiveness of their activities.

### **Main results of the research:**

1. the author's classification of the main generic features of the civil status of state institutions is Proposed:

Generic features of state institutions (defined by the organizational and legal form) are as follows:

- state institutions can be formed only by one founder (individual nature of creation);
- state institutions have non-commercial goals of activity (there is no goal of profit), which is due to the specifics of legal regulation in spite of the General legal capacity;
- state institutions cannot act as owners of property belonging to them (this is an exception to the General rule);
- state-owned institutions have a different legal regime than other legal entities for property that belongs to them on the right of operational management; this allows the founders to ensure the safety of property assigned to state-owned institutions, use it for its intended purpose, and, if necessary, withdraw and operate it at their own discretion.

2. the system of typical features of the civil status of state institutions is Defined:

Typical features of state institutions (defined by the type of institution) are as follows:

- the founders are obliged to provide financial support to state institutions in the necessary amount; this is the guarantee of financial security, independence from the market situation (previously, scientists noted a rather significant problem of the lack of clear parameters in the laws of the mandatory minimum of this funding, as well as the consequences of underfunding);
- the property of state institutions has a strict unified legal regime, which significantly distinguishes state institutions from other types of institutions;
- state-owned companies have a special liability regime, which provides for the possibility to pay penalties only on the funds available to state agencies; in case of insufficiency of these cash resources subsidiary responsibility under obligations of this establishment is the owner, that allows to provide a unique stability, the stability of the functioning of state institutions and the exercise of their functions even in the face of inadequate funding;
- state institutions do not have the right to independently use funds that they have received in the course of carrying out income-generating activities.

3. The specificity of considering the needs of real relationships Federal government agencies as subjects of civil law:

– One of the fundamental characteristics of a legal entity that determines the possibility of its participation in civil turnover as an independent entity is the presence of separate property (paragraph 1 of article 48 of the civil code). The rights of a legal entity in relation to its property are based on real law, which is usually understood as an absolute subjective civil right of a person, which gives him the opportunity to directly rule over a particular thing and remove all other persons from it, protected by special civil law claims. The scope of rights to own, use and dispose of property on the basis of real title largely determines the specifics of economic activity and the limits of

civil liability of a legal entity. The specifics of considering the features of real legal relations of the fku is their close connection with the real rights of public legal entities.

4. an expanded approach to the civil law regime and the possibility of obtaining income received from income-generating activities in real form by Federal state institutions is Proposed.

– Civil legislation contains a statement that the income earned from these activities are received in the corresponding budget of budgetary system of the Russian Federation, that is, determines the legal regime of income only in the monetary form (item 4 of article 298 of the civil code). We believe it should be considered that in the absence of legal prohibition to receive income reified property of the state institution has the right to own and use them in General for all the Federal property which is on balance of PKU, the civil regime. Thus, in the fruits, products and incomes from the use of property located in operational management, property acquired by the institution under the contract or otherwise, as a General rule, under which such property enters the operational management of companies (paragraph 2 of article 299 of the civil code).

– Revenues in the form of cash received in the corresponding budget of budgetary system of the Russian Federation (paragraph 4 of article 298 of the civil code). Thus, state-owned institutions are deprived of incentives to conduct income-generating activities, since all income goes to the corresponding budget.

5. The mechanism of correlation of competences of the owner in relation to property vested in fku on the principle of operational management.

In accordance with paragraph 2 of article 209 of the civil code, the owner shall have the discretion to make in respect of property belonging to it any actions not contradicting the law and other legal acts and not violating the rights and legally protected interests of other persons, including to alienate their property to other persons. The right of operational management is derived from ownership rights of a public legal entity and has a strictly purposeful nature, manifested in the consolidation of property to perform certain state functions. Therefore, the powers of the fku are limited to the rights of the owner of its property. However, limited proprietary rights, in turn, restrict and encumber the right of ownership. In particular, article 305 of the civil code of the Russian Federation States that a person who is not the owner, but who owns property on the right of operational management, is also provided with real-legal means of protecting ownership rights, including against the owner. In this regard, the question of the ratio of the rights of the owner and the fku in relation to the disposal of property assigned to the fku on the right of operational management is relevant. The power of disposal means that it is possible to determine the legal fate of the property by changing its ownership, condition or purpose (alienation by contract, destruction, etc.).