

## SUMMARY

**Key Words:** individual, individual entrepreneur, civil status, insolvency (bankruptcy), liability

**Subject matter:** Civil legal status of an individual entrepreneur

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**The relevance of the research topic** The relevance of the problems studied in the work is due to the economic and social significance of individual entrepreneurship, its mass character; the absence in the current Russian legislation of properly formulated and legally defined fundamental concepts of business law, the lack of an adequate economic situation in regulating the entrepreneurial activity of a citizen without forming a legal entity; ambiguity of the legislation in determining the legal personality of the specified individual. In addition, the overwhelming majority of studies are devoted to individual issues of registration, licensing, taxation of legal entities, while an individual entrepreneur as an object of research is considered fragmentary.

**The purpose of the work:** analysis of the legal nature of the civil status of an individual entrepreneur.

**Objective:** analyze the essence of entrepreneurial activity without the formation of a legal entity; to characterize approaches to the concept and characteristics of entrepreneurial activity; to investigate the organizational and legal forms of entrepreneurial activity of an individual entrepreneur; to reveal the features of the civil legal status of an individual entrepreneur; to investigate the content of the legal personality of an individual entrepreneur; consider the state registration procedure as a civil legal means of acquiring the status of an individual entrepreneur by an individual; to identify the specifics of insolvency (bankruptcy) of an individual entrepreneur; to outline the features of civil liability and protection of individual entrepreneurs; to characterize the mechanism for terminating the civil status of an individual entrepreneur; identify promising directions for improving the legislative framework for regulating entrepreneurial activity without the formation of a legal entity.

**The theoretical and practical significance of the research** The results of the study are determined, first of all, by the systematic approach to the analysis of the legal status of an individual entrepreneur, which allows us to talk about the possibility of harmonizing modern legislation and solving on this basis a number of problematic issues in the field of regulating the activities of individual entrepreneurs. The research results can be used in the study of civil law, and also aimed at improving civil legislation.

### **Results of the study:**

1. An individual entrepreneur is a citizen who has full legal capacity, has knowledge and experience, or uses a person who possesses such, in relation to the subject of activity carried out independently, at his own risk and under his own responsibility, aimed at obtaining net profit from conducting, use, disposal of property, performance of work, provision of services.
2. Entrepreneurial activity can be carried out by an individual entrepreneur in various organizational and legal forms, but regardless of how it is carried out, the constitutional guarantees of activity are equally extended to it.
3. The norms concerning an individual entrepreneur are contained in various legal acts, one of the important places in the sphere of the formation of legislation on individual entrepreneurial activity was the Federal Law "On insolvency (bankruptcy)", which determined the grounds for individual entrepreneurs to declare them bankrupt.
4. The civil legal status of individual entrepreneurs determines the legal status of the specified category of persons in the sphere of civil legal relations. The main link in the legal status of an entrepreneur is his civil legal personality.
5. An individual entrepreneur can be declared bankrupt only by a decision of an arbitration court.

Bankruptcy cases of individual entrepreneurs are considered at their place of residence. The right to go to court with an application for declaring an individual entrepreneur bankrupt have: an individual entrepreneur; creditor; tax authority; prosecutor. This person is endowed with the right to appeal to an arbitration court with an application for declaring an individual entrepreneur bankrupt only if he detects signs of deliberate bankruptcy, if there is a debt on mandatory payments, as well as in the interests of the creditor for monetary obligations of the Russian Federation, a constituent entity of the Russian Federation, a municipal formation and in other cases established by the legislation of the Russian Federation.

6. A distinctive feature of the bankruptcy of an individual entrepreneur lies in the procedures used when considering a bankruptcy case. In relation to an individual entrepreneur, only the following procedures are carried out: bankruptcy proceedings and amicable agreement.

7. Analysis of the responsibility of individual entrepreneurs allows us to conclude that, being the subject of civil legal relations, they have increased responsibility in comparison with individuals who are not individual entrepreneurs. Therefore, civil legislation should more clearly regulate issues in the activities of an individual entrepreneur and resolve the resulting legal conflicts.

**Recommendations:**

1. To add to item 2 of Art. 207 of the Law on Bankruptcy of 2002 the following addition: "This provision does not apply to citizens registered as individual entrepreneurs without the formation of a legal entity."

2. We consider it expedient to introduce into the Bankruptcy Law of 2002 "restorative" procedures, which imply the achievement of an optimal solution to the situation of bankruptcy of citizens - entrepreneurs, subject to the adoption of an appropriate decision by the majority of creditors.

3. P. 3, Art. 401 of the Civil Code of the Russian Federation shall be supplemented with the rule that, by mutual agreement, the parties can formulate the types of force majeure in the contract.

4. To amend Part 3 of Art. 8 of the Federal Law of 08.08.2001 No. 129-FZ "On State Registration of Legal Entities and Individual Entrepreneurs" outlining it as follows: "State registration of an individual entrepreneur is carried out at his place of residence or place of temporary registration."

