

SUMMARY

Key Words: lawyer, legal service, business activity

Subject matter: State and prospects of development of the Institute of Legal Service in Entrepreneurship

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The relevance of the research topic: As you know, in the legislation, in various regulatory legal acts, many of which have actually lost their force today, in existing official documents, in law enforcement practice, in the media, and in everyday life, various terms are used: "legal work", "legal service", "legal service". Often these terms are used in overlapping meanings. Meanwhile, they should be distinguished.

In particular, legal work is work (activity) in the field of protection of the rights of an entrepreneurial structure, ensuring legality in it, in its activities, the preservation of property, strengthening discipline, contractual work, etc., i.e. work (activity) that should be carried out by legal advisers and other full-time employees of the legal service of the enterprise, as well as other specialists involved in its conduct.

The legal service is a wide range of employees (mostly full-time) of an entrepreneurial structure that conduct legal work in it: managers, specialists, etc.

The legal service is a narrow circle of professional employees of the legal profile, mainly full-time employees of the business structure, directly conducting legal work in it. In the medium-sized business structure, this is a full-time legal adviser.

Such a terminological separation helps to understand the tasks and functions of various departments and groups of specialists who conduct legal work in various business structures in different sectors of the economy, allows you to determine the scope of their rights and obligations, their competence, the main sphere of application of their forces, the application of professional knowledge. At the same time, in a market economy, the choice of forms of organization and methods of conducting legal work is much less determined by state regulations than it was 20 years ago, especially for those business structures in which state ownership is not dominant.

According to Rosregistratsiya (as of March 1, 2020), there were only 3,850,881 commercial organizations - legal entities in our country, the record of which is included in the Unified State Register of Legal Entities (with the exception of legal entities that have ceased their activities), including: general partnerships - 382, partnerships on faith - 587, limited and additional liability companies - 3,572,464, open and closed joint - stock companies - 180,811, production cooperatives - 19,126, unitary enterprises - 11,726, other commercial organizations-65,785. In addition, 696,233 non-profit organizations (consumer cooperatives, state and municipal institutions) are registered in this Register, many of which to some extent carry out entrepreneurial activities that are not their main activity.

What is the main thing in understanding the answer to the question: what is the essence of legal service in business in the conditions of today and in the near future? Tasks, role, goals of the legal service and other departments (persons) conducting legal work; its status characteristics, content competence, definition of the scope of powers, responsibility, and some other components. But in contrast to the status characteristics of other specialized divisions of the business structure, the official immunity of full-time employees of the legal service of the business structure is very important today, or rather, it should be. However, it does not exist today, and this is a problem that cannot be solved without scientific support.

In addition, there is no doubt that the goals, tasks, role, competence, and many other components of legal work depend on many factors, which, in turn, directly affect the organizational forms of the legal service, including the legal service. After all, the legal support for the diverse business

activities of a large oil and gas company from the point of view of the organizational form should be radically different from the legal support for activities in the field of small business.

The purpose of the work: The purpose of the study is to study the features of the institute of legal service in business in the Russian Federation on the basis of a comprehensive analysis of normative and literary sources, judicial practice.

Objective: - to study the features of the development of legal regulation of the legal service in entrepreneurship through the formation and development of legal regulation of the legal service in entrepreneurship, taking into account the types of organizational forms;

- analyze the institute of legal service in entrepreneurship in the system of business law;

- to study and analyze the problems of the official immunity of the legal adviser in the field of entrepreneurship.

The theoretical and practical significance of the research: The theoretical significance of the work consists in a comprehensive and systematic coverage of the issues of the object of research.

The practical significance lies in the fact that the conclusions formulated by the results of the study can be used to improve the practice of applying the norms of the current Russian civil legislation.

Results of the study: 1. It is necessary to identify and determine the scope of rights, opportunities, expediency and scope of state participation in regulating the status and activities of the legal service in today's business. After all, at present, there is not only no regulation, but also clarity even in such a narrow segment of the status characteristics of a legal adviser, such as, for example, whether a person with an outstanding criminal record can work as a legal adviser, who has been repeatedly convicted of committing self-serving economic crimes.

2. Determination of indicators and parameters of the effectiveness of the legal services of business structures, differentiated by a variety of indicators. It is not always clear: what to praise, what to scold the legal adviser for? And given the professionally risky aspect of the legal service, the problem of legal (and ethical) responsibility of the legal adviser, insurance of this risky activity, is relevant.

3. Study of the issue of creating a public organization of legal advisers in the field of entrepreneurship in any organizational and legal form (a separate association, a section within the Association of Lawyers of Russia, a structure within the Chamber of Commerce and Industry, etc.). This organization could take on a number of functions of coordination, training, methodological, in a certain sense, personnel nature; it could be the founder of a specialized legal publication, which would become a consolidator of certain professional interests and aspirations of employees of legal services in the business sphere.

4. Development of the relevant segment of the educational process in law schools, organization of professional development of legal advisers, activation of scientific study of topical problems of modern and future legal service in the business sphere of Russia, etc. The complexity of research on this issue makes it necessary to organize them in a special (program) form.

Recommendations: 1. Certain functions that ensure compliance with the requirements of the law on the immunity of legal counsel in the business sphere could be assigned to the Prosecutor's Office and / or the Ministry of Justice.

2. The Association of Lawyers of Russia, the Charter of which was approved by Protocol No. 1 of the Constituent Congress of December 22, 2005. In this Association, a special section should be established to assist business legal advisers.

3. The most promising form in this series could be a self-regulating organization that unites legal advisers, which generally fits into the requirements of Federal Law No. 315-FZ of December 1, 2007 "On Self-Regulating Organizations". In accordance with paragraph 1 of art. 2 of this Law, self-regulation is understood as independent and proactive activities carried out by subjects, including professional activities, and the content of which is the development and establishment of standards and rules for these activities, as well as monitoring compliance with the requirements of these standards and rules.

This organization of business legal advisers could develop a standard for the position of legal

adviser (at the world level); organizational forms of admission to the position of a legal service employee (something like an entrance exam, but not organized directly by the business structure, and this should not save universities from the need to provide a high level of exit control for students who have been trained to work as a legal adviser); high moral and ethical qualities necessary for effective work in the position, etc.

And it is important, at the same time extremely difficult in the conceptual plan, requiring particularly careful scientific study, to develop a design that solves two problems:

1) the legal adviser in the business structure is responsible for the observance of the rule of law in it and by it itself, including in the business sphere, and in this sense, being a kind of conductor of the will of the state, acts as a realizer of the public function;

2) the legal adviser is a member of the labor collective of the business structure, ideally, he can and should be imbued with its corporate spirit in this capacity. Even despite the fact that in today's Russia, there are hardly a few enterprises that have existed for more than 25 years (in Japan, for example, there is a company listed in the Guinness Book of Records, leading the construction business since the VII century). By all their activities, the legal adviser should contribute to the receipt of the highest possible profit by the business structure (on which his personal well-being also depends), and in this capacity he contributes to the implementation of the private function.