

SUMMARY

Key Words: civil procedure, private law disputes, court of General jurisdiction, preparation of the case for consideration, preliminary hearing, settlement agreement

Subject matter: Institute of civil cases preparation for trial

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The relevance of the research topic lies in the enormous importance of the institution of a legal entity, both in civil law and in a modern market economy, in general. The life of modern society is unthinkable without the inclusion of each person in groups, as well as unions of various forms, without the interaction of their personal efforts and capital in order to achieve certain goals. The legal form is the basis of the legal form of this collective participation of persons in civil proceedings.

Today, the institution of a legal entity acts as one of the main institutions of the entire civil law system, contained in the Civil Code of the Russian Federation. Legal entities, like other objects of civil law, have a wide variety of rights and obligations.

The functional purpose of the institution of a legal entity is to identify the legal status of commercial and non-profit organizations, which is necessary for their equal and effective participation in civil matters.

It is also important to note that Federal Law No. 99 FZ amended the current wording of chapter 4 of part one of the Civil Code of the Russian Federation. Thus, the legislator radically revised both uniform rules on legal entities and private law issues of specific organizational and legal bases of legal entities, the procedure for forming, managing, liquidating, and attracting the founders to financial responsibility.

The purpose of the work is to analyze the institution of a legal entity as a subject of civil law.

Objective: reveal the evolution of the concept of a legal entity; determine the content, characteristics and organizational structure of the legal entity; analyze the legal capacity and legal capacity of a legal entity: the concept, characteristics and implementation; describe the procedure for creating a legal entity; consider the legal basis for the termination of a legal entity.

The theoretical and practical significance of the research determined by the possibility of their use in the development of the legislator, the general concept of improving the legislation on legal entities. Theoretical conclusions and practical recommendations made on the basis of a study of the works of Russian procedural scientists and the study of judicial practice materials are aimed at improving civil procedural legislation.

Results of the study:

1. This stage is the Foundation, the basis of the entire trial. The final results of the trial depend on its quality.
2. Thorough preparation of the civil case will reduce the procedural costs associated with the conduct of multiple court sessions, and will allow the court to make a legitimate and justified decision in the first court session and achieve the necessary procedural result in the shortest possible time procedural.
3. The achievement of the goal set at the stage of preparation is possible only through the correct resolution of the issues contained in the regulatory objectives. Proper resolution of the latter will determine the climate of further development of the process, that is, whether the case will be considered in the first hearing or the need to postpone it, which can lead to delays in the proceedings and violation of the rights of the parties.
4. Compliance with General legal and special principles is of great practical and theoretical importance for the preparation stage of a civil case for trial.
5. The analysis of the content of the procedural activities of the judge and the persons participating in the case in the preparation of the case for trial should be based on the principle of

adversarial parties and the active role of the court. GIC RF provides a non-exhaustive list of administrative actions, but all persons involved in the case, should understand that the timing and the results of the trial to a large extent depend on how each of them was active in the preparation of the case for trial and used their procedural capabilities at this stage of civil proceedings.

Recommendations:

- termination of a legal entity to recognize the legal fact, the result of the implementation of the legal composition of the law;
- liquidation of a legal entity to recognize the legal composition, process (procedure), which is aimed at the termination of the legal entity (but they may not end);
- to fix in the Civil Code of the Russian Federation a provision stating that a legal entity is terminated as a result of liquidation and may be terminated as a result of reorganization. All other procedures (compositions) of the so-called termination of legal entities qualify as separate legal regimes of liquidation and name them in the Civil Code of the Russian Federation (which is not present today not only in the Civil Code of the Russian Federation). For each of the legal liquidation regimes, establish the composition of the necessary legal facts, clearly define the beginning of the process and its termination (making entries in the Unified State Register of Legal Entities);
- to give in the Civil Code of the Russian Federation a general definition of termination of activity indicate the reasons for which the decision can be made; indicate the authorities by whose decision it is possible; specify the time frame for the application of this measure; indicate the consequences of the expiration of the implementation of this measure and make a “bundle” with the regulations of compulsory liquidation (or, possibly, reorganization).