

SUMMARY

Key Words: enforcement proceedings. Theoretical and practical aspects.

Subject matter: Legal relations arising in connection with the use of assisted reproductive technologies.

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The relevance of the research topic The relevance is determined by the statistics itself: annually of the total number of enforcement proceedings, only about 20% of them end in actual execution, for example, in 2018 the number of enforcement proceedings amounted to 1,749,440, of which only 398,766 were completed in actual execution, which indicates that the system of enforcement proceedings is ineffective. Moreover, 62% of this number of enforcement proceedings (for 2018) were paid voluntarily. From which it should be concluded that less than half of the actually executed proceedings are executed in a compulsory form. Consequently, the mechanism for enforcing debtors is very weak. In this connection, there is a special need to study law-making and practical problems that prevent FBS employees from increasing the number of cases of actual execution of cases in their proceedings.

Enforcement proceedings act as a compulsory form of execution of judicial and other acts. The compulsory execution of the debtor's obligations and the exercise of the creditor's rights are part of the jurisdictional activity aimed at protecting the violated and disputed rights, freedoms and legitimate interests. That is why the abandonment of disputes arising between the subjects of civil legal relations or without the implementation of the decisions made entails a decrease in the level of protection of the rights of owners, investors and other entitled persons.

To date, the position of enforcement proceedings in the system of Russian law remains uncertain. Some scholars argue that enforcement proceedings are the final stage of the civil procedure. Some are of the opinion that enforcement proceedings form a new branch of civil procedural law, which can be called civil executive law, similar to criminal executive law. The third less popular opinion is that the norms of enforcement proceedings have not fully formalized an independent branch of law and therefore constitute a legal institution. In this connection, it should be said that the problem of the status and essence of enforcement proceedings remains open.

The purpose of the work: is the study of enforcement proceedings, the order of enforcement proceedings, identification of problems and gaps in enforcement proceedings.

Objective: study of the concept, essence and meaning of enforcement proceedings as a stage of civil procedure, determination of the subjects of enforcement proceedings and the list of enforcement documents, consideration of enforcement proceedings as a branch of civil procedural law, study of the procedure for the initiation, suspension and termination of enforcement proceedings, determination of enforcement measures, study of legislative problems of enforcement proceedings, consideration of the problem of foreclosure on the debtor's property in practice, development of recommendations for improving legislation in the field of enforcement proceedings and the mechanism for its implementation

The theoretical and practical significance of the research The theoretical significance of the study is a comprehensive and systematic coverage of the issues of the research object. The presented work can be used in subsequent studies of enforcement proceedings. Practical significance - the conclusions contained in the work can be applied for scientific purposes in the process of improving the legal regulation of enforcement proceedings.

Results of the study:

Enforcement proceedings are the stage of the civil process, despite the fact that they often try to equate it with the stage of the administrative process, arguing that one of the participants in the enforcement proceedings is the state represented by the bodies and officials of the bailiff service. The reason for this is the initially dispositive beginning, which serves as the basis for initiating enforcement proceedings, which means that this process is initiated by the person whose rights and

legitimate interests have been violated (when it comes to the creditor - an individual or legal entity). Dispositiveness also manifests itself in the vesting of the parties to the enforcement proceedings with procedural equality and the granting of certain rights to the creditor.

The procedure for enforcement proceedings constitutes the initial stage of activities for the implementation of the executive document and is initiated by the body that issued the executive document or by the creditor himself. The list of documents required for filing an application for initiation of enforcement proceedings, as well as a list of legislative requirements established with respect to their content and execution, was considered. The list of subjects authorized to initiate enforcement proceedings was also considered and the procedure for the bailiff to act upon receipt of the relevant application was analyzed, the grounds for initiating enforcement proceedings, the timing of the issuance of the corresponding resolution and the specifics of their calculation were considered. Particular attention was paid to the study of the circumstances in which the debtor has the right to voluntarily fulfill the requirements of the court order.

Measures of compulsory execution are the actions specified in the writ of execution, or actions taken by the bailiff-executor in order to obtain property from the debtor, including monetary funds, subject to collection under the executive document. The list of enforcement measures is constantly changing and improving. A striking example of this is the inclusion in this list of measures aimed at strengthening the incentive and stimulating function of enforcement proceedings in relation to debtors. So, the list of compulsory measures was supplemented by the right of bailiffs-executors to collect non-property rights of debtors, such as, for example, the right to drive motor vehicles, deprivation of a citizen obliged by an executive document of a special permit to conduct a certain type of activity.

Recommendations:

- it is necessary to supplement the list of types of enforcement documents, for the execution of which the bailiff has the right to establish a short-term restriction on the use of a special right of the debtor.
- it is necessary to update the norm established by Article 13 of the Federal Law "On Enforcement Proceedings", supplementing it with appropriate additional requirements in relation to legal entities and individual entrepreneurs.
- in order to solve the problem of the workload of the bailiff-executor with documentary work, the staff of the assistant bailiff-executor should be increased. This measure would allow not only to increase the efficiency of the bailiffs' activities, but would also be able to prepare novice lawyers for further professional activities.