



Peculiarities of hearing cases of insolvency of an individual entrepreneur in court

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ABSTRACT

The development of economic reforms in our country is a vital necessity for market relations. The Bankruptcy Institute as a means of ensuring the development of commodity-money relations based on market principles is one of the most urgent tasks.

Although this relationship is not considered new, it is considered an institution that has not yet been thoroughly studied in the practice of law enforcement. During the study of the topic, court practice and legislation were studied.

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Yakka tartibdagi tadbirkorning to'lovga qobiliyatsizligi to'g' risidagi ishlarni sudda ko'rishning o'ziga xos xususiyatlari

Kalit so'zlar:

to'lovga qobiliyatsizlik,
qarzdor,
sud protsessi,
bankrot,
tadbirkor,
kreditor.

ANNOTATSIYA

Mamlakatimizda iqtisodiy islohotlar rivoshlanishi, bozor munosabatlariga xos hayotiy zaruratdir. Bankrotlik instituti ham tovar-pul munosabatlari bozor tamoyillari asosida rivojlanishini ta'minlovchi vosita sifatida keng ilmiy tadqiq etilishi, shu asosda ushbu soha qonunchiligi muntazam takomillashib borilishi dolzarb vazifalardan biri sanaladi.

Mazkur maqolada ushbu munosabatlar yangi sanalmasada, huquqni qo'llash amaliyotida hali to'liq o'rganilmagan institutligi to'g'risida so'z borgan. Mavzuni o'rganish davomida aynan sud amaliyoti va qonunchiligi o'rganildi hamda tahlil qilindi.

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Особенности рассмотрения дел о неплатежеспособности индивидуального предпринимателя в суде

АННОТАЦИЯ

Ключевые слова:
несостоятельность,
должник,
судопроизводство,
банкрот,
предприниматель,
кредитор

Развитие экономических реформ в нашей стране является жизненной необходимостью рыночных отношений. Институт банкротства как средство обеспечения развития товарно-денежных отношений на основе рыночных принципов является одной из наиболее актуальных задач.

Хотя это отношение не считается новым, оно считается институтом, еще не до конца изученным в практике правоприменения. В ходе изучения темы изучалась судебная практика и законодательство.

With the development of the economy in our country, a wide range of opportunities are being created for entrepreneurs. Nowadays, depending on the types of business entities, their organization, operation, and, of course, termination of their activities also differs. In particular, the insolvency of an individual entrepreneur is fundamentally different from the insolvency of a legal entity. The main law governing this area is the Insolvency Act. This Law regulates relations in the field of insolvency of legal entities and individuals, as well as individual entrepreneurs.

The main issue that we will focus on is the specific features of court consideration of cases of individual entrepreneurs' inability to pay. As mentioned above, depending on the type of business entity, finding them insolvent also differs.

In court proceedings to declare an individual entrepreneur bankrupt in court:

- debtor;
- court manager;
- creditors, taking into account the moment when demands are submitted by them to the debtor in the manner prescribed by this Law;
- authorized state body;
- a person who provides security for the debtor's obligations can participate.

In addition, in accordance with the Law "On Insolvency", in case of insolvency, the representative of the employees of the debtor legal entity, the representative of the debtor's founders (participants), or the owner of the debtor's property, the debtor's individual entrepreneur representative, representative of creditors' meeting (creditors' committee) and other persons may participate. Preparation of such cases for trial is carried out by a judge based on the Economic Procedural Code of the Republic of Uzbekistan.

More than two months from the date of the decision on the acceptance of the debtor's insolvency proceedings at the insolvency court session should be considered in no time. Consideration of the insolvency case may be extended for a period not exceeding one month in special cases.

In order to ensure transparency and legal enforcement of insolvency proceedings, parties involved in any insolvency proceedings shall not be required to falsify insolvency,

conceal insolvency, or may apply for the appointment of an expert in order to determine the symptoms that led to the willful inability to pay.

Documents received in cases of insolvency must be executed immediately. A copy of the court document in the case of insolvency is immediately sent by the court to the state bailiff at the place of residence (place of residence) of the debtor.

In the course of bankruptcy proceedings, the court must take measures to satisfy the demands of creditors. In addition to the measures taken in the Code of Economic Procedure, it is possible to prohibit the conclusion of transactions without the consent of the court administrator, as well as to force the debtor to hand over securities, foreign exchange reserves, and other property to third parties for preservation. He can also take other measures aimed at preserving the property of the debtor in its entirety.

The court shall draw up the procedure for satisfying the demands of the creditors when accepting the application of the debtor individual entrepreneur. In accordance with the law, in connection with the consideration of the insolvency case at the expense of the funds deposited in the deposit account of the court before satisfying the demands of the creditors and the execution of the court's decision to declare the debtor individual entrepreneur insolvent. Expenses will be reimbursed, and citizens' demands for damages to life or health will be satisfied in accordance with the law.

Now coming to the satisfaction of the students of the lenders, there is also a turn to satisfy the requirements of the lenders which are as follows:

- first of all, claims for the recovery of alimony, as well as claims that provide for the calculation of remuneration for labor and payment of fees under copyright contracts;
- in the second place - claims for taxes and fees, the part of creditors' claims secured by collateral, related to the debt that was not covered due to the insufficient amount from the sale of pledged property (collateral), and creditors' collateral outstanding requirements;
- in the third place - settlements with other creditors.

The requirements of each queue are satisfied after the requirements of the previous queue are fully satisfied.

If there are insufficient funds in the court's deposit account, these funds will be distributed among the relevant creditors in proportion to the amount of their claims.

In accordance with the Law "On Insolvency", the court's decision to declare bankruptcy and liquidation of a debtor individual entrepreneur and the writ of execution on the debtor's property, the debtor's property will be sent to the state bailiff for sale. In addition to the property that cannot be included in the liquidation mass according to the law, the following should be sold: all property of the debtor individual entrepreneur; property of a debtor natural person who has lost the status of an individual entrepreneur, obtained as a result of his previous business activity.

In this case, the court determines whether the property of an individual belongs to the amount of property acquired during his previous business activity or is not related to his previous business activity.

When it is necessary to permanently manage the immovable property or valuable movable property of the debtor individual entrepreneur, the court appoints a liquidation administrator for these purposes. It determines the amount of the fee to be paid to him. In this case, the liquidator sells the property of the debtor individual entrepreneur.

The balance of the funds in the bank account and bank plastic cards of the debtor individual entrepreneur, the funds from the sale of property, and the cash funds, are deposited in the court's deposit account.

Now the individual entrepreneur was declared bankrupt by the court. From the moment an individual entrepreneur is declared bankrupt:

- the period for fulfilling the debtor's monetary obligations is considered to have begun; Neustopika (fine, fine), calculation of interest, and other economic (financial) sanctions on all obligations of the debtor will be canceled;
- all execution documents from the debtor are also canceled, except for the execution documents regarding claims for the recovery of alimony, as well as claims for compensation for damage to life or health.

The economic court sends the decision to declare bankruptcy of an individual entrepreneur and start proceedings for liquidation to all the identified creditors, indicating the time for them to submit their claims, which period should not exceed two months. Sending such a decision to the economic court is carried out at the expense of the individual entrepreneur.

The peculiarity of hearing this type of case in courts was touched upon. However, there are many problems in practice. It is necessary to minimize the risk of problems that may arise for an individual entrepreneur. This, in turn, ensures the normal activity of an individual entrepreneur.

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