

SUMMARY

Key Words: unitary enterprise, state enterprise, state, municipality

Subject matter: the rule of law embodying features of the legal status of state and municipal unitary enterprises in the Russian Federation.

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The topicality of the research. The relevance of the undertaken research is associated primarily with the ongoing process of reform of civil legislation of our country. Currently, amendments to the provisions of the civil code, which directly relate, in particular, and of the Institute of unitary enterprises. In legal science a debate about the need for such organization-legal form as a unitary enterprise, so the choice of the research topic is relevant because the scientific analysis is aimed at substantiation of expediency of preservation of the legal entity of this organizational legal form of property turnover at the present stage of development.

The aims of the research: study of legal status of unitary enterprises in Russia and identify issues of their activities

Objectives

- to consider the legal and historical aspect of the emergence and development of unitary enterprises;
- to analyze the Genesis of the legislation on the unitary enterprises in Russia;
- to identify the origins of the formation of the first unitary enterprises;
- to explore the concept and types of unitary enterprises;
- to study the normative legal acts, regulating the procedure of creation of the unitary enterprises;
- explore property-based business activities of unitary enterprises;
- to consider features of the public liability of the owner for the debts of the unitary enterprise;
- to reveal the modern trends of development of unitary enterprises;
- identify problems of perfection of legislative regulation of activities of unitary enterprises.

The theoretical and practical value of the research - analysis of the most actual problems of a modern unitary enterprises, and offer ways of their elimination are of interest both for students and for practitioners.

The results obtained:

1. Unitary enterprises represent a legal form by which carry out activities of a commercial organization, which are the key subjects of business law.
2. Unitary enterprise in its activities, must address the tasks set before him by the founders, arguing the Statute, and to implement statutory activities. The existence of a unitary enterprise target of legal capacity means that none of his actions, including the transaction should not lead to the creation of conditions under which the implementation of functions established by the owner, will be difficult or impossible. In this regard, the wording in the Charter of a unitary enterprise that the enterprise "is entitled to carry out any activities not prohibited by law," does not comply with current legislation and are subject to exclusion from the texts of statutes.
3. Law on state and municipal unitary enterprises stipulates that the Executive authorities and municipalities of the unitary enterprises under their jurisdiction, should agree to the establishment of branches and representative offices; transactions related to the provision of loans, guarantees, receipt of banking guarantees, other encumbrances, assignment of claims, transfer of debt, making loans, etc. Thus, the legislation greatly restricted the rights of unitary enterprises, which is hardly justified, since such restrictions ultimately narrow the competitive capabilities of enterprises and deprive them of their production initiatives.
4. Today there is no legal provision that would ensure compensation for losses caused by the head of the state or municipal enterprise. But even if they existed, they cannot be implemented, since the appointment to the post of head of GUP or NTM-a person he doesn't need the

availability of the property, the Deposit, or at least the warranty of a credit institution, etc. Therefore, damages caused by the leader of GUP, or NTM-a, in any size is unlikely.

5. Functions of a unitary enterprise is a pretty complex entity. They are characterized by a certain hierarchy, subordination and dynamism. The main difference purpose unitary enterprises in the property relations from other businesses is to focus its activities on the satisfaction of using private methods of public interest in order to ensure implementation of functions of the Russian Federation, subject of the Russian Federation or a municipality and profit, partially directed on replenishment of a profitable part of the budget of the appropriate level.

6. If UE does not have sufficient institutional and operational independence from the public entity, the public owner must be brought to property responsibility, despite the fact that the unitary enterprise is a separate legal entity.

Recommendations:

- legally to enshrine as a fundamental element of their legal status – non-commercial activities;
- to create a legal mechanism for the planning of their activities, which will optimally combine the activities of enterprises of public interest and the interests of the enterprise;
- to create an effective legal mechanism of control over activity of state (municipal) enterprises.