

FEATURES OF JUDICIAL PROTECTION OF THE RIGHTS OF BUSINESS ENTITIES DURING THE CONSIDERATION OF BANKRUPTCY CASES

Anna B. Tolstykh, Postgraduate Student of the Department of Economic and Legal Disciplines and Economic Security of the Donetsk State University of Internal Affairs, (Ukraine).

E-mail: lawyertolstykh@gmail.com

DOI: 10.32342/2709-6408-2023-1-6-8

Key words: *insolvency, bankruptcy, debtor, creditor, legal protection.*

The article is devoted to the study of the peculiarities of judicial protection of the rights of economic entities during the consideration of bankruptcy cases. The choice of the topic is due to the relevance of the problem of insolvency of debtors in the light of modern views on the economic development of the country in the conditions of the global and national economic crisis. In addition, not so long ago a new legal act was introduced - the Code of Ukraine on Bankruptcy Procedures, the main purpose of which was announced to speed up court proceedings in bankruptcy cases, increase their efficiency, implement new protective mechanisms for business, so it seems appropriate to analyze the relevant legal institution in the conditions of modernization of the legislation. The article examines the definition and essence of the concept of "bankruptcy", its economic and legal nature. The currently relevant procedure for consideration of debtors' insolvency cases is studied, taking into its specifics and differences from general legal proceedings in the economic process. Attention is paid to the principle of "concentration" of all disputes within the bankruptcy case. An analysis of the national legislation on bankruptcy was carried out, taking into the adoption of the Code of Ukraine on Bankruptcy Procedures. Separate elements of such a procedure are revealed: the procedure for opening, considering and closing insolvency cases, determining the circle of main participants in such cases. The methods of protecting the rights of debtors and creditors, which can be applied by the court in the process of considering bankruptcy cases, are analyzed, for example, the possibility of introducing a moratorium by the court on the satisfaction of creditors' demands, and appeal to the court with a statement on the opening of bankruptcy proceedings was considered as one of the ways of protecting the rights of business entities.

References

1. The Decision of the Great Chamber of the Supreme Court, no 607/6254/15-c (2020), available at: <https://reyestr.court.gov.ua/Review/87115553> [in Ukrainian]. (Accessed 03 May 2023).
2. The Decision of the Great Chamber of the Supreme Court, no 905/2030/19. (2021), available at: <https://reyestr.court.gov.ua/Review/100359355> [in Ukrainian]. (Accessed 03 May 2023).
3. The Decision of the Supreme Court. No 911/2043/20 (2021), available at: <https://reyestr.court.gov.ua/Review/100456027#> [in Ukrainian]. (Accessed 03 May 2023).
4. The Verkhovna Rada of Ukraine (2003), The Economic Code of Ukraine, available at: <https://zakon.rada.gov.ua/laws/show/436-15> (Accessed 03 May 2023).
5. The Verkhovna Rada of Ukraine (2018), The Code of Ukraine on Bankruptcy Procedures, available at: <https://zakon.rada.gov.ua/laws/show/2597-19#Text> (Accessed 03 May 2023).
6. Telin, S.V. (2013). *Bankrutstvo yak radykalnyi zasib ozdorovlennia ekonomiky* [Bankruptcy as a radical means of improving the economy]. *Teoretychni i praktychni aspekty ekonomiky ta intelektualnoi vlasnosti* [Theoretical and practical aspects of economics and intellectual property], no 1, pp. 111-113.