

Legal Issues of Insolvency of A Individual of the Republic of Uzbekistan

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ABSTRACT: The article deals with the issues of regulation of the insolvency of an individual, signs of insolvency. The features of initiating and considering a case on recognizing an individual as insolvent are analyzed. It is concluded that an application for the invalidity of transactions made by the spouse of the debtor - an individual in relation to the common property of the spouses, in the case of insolvency of an individual is filed on the grounds provided for by family law.

KEYWORD: insolvency, bankruptcy, creditor, monetary obligations, mandatory payment obligations, debt restructuring, sale of property, liquidation estate.

The signs of the insolvency of the debtor - an individual is the inability to satisfy the claims of creditors for monetary obligations and (or) to fulfill their obligations on taxes and fees in full, if the corresponding obligations and (or) obligations for mandatory payments are not fulfilled by the debtor - an individual within three months from the date of their occurrence, and if the claims against the debtor - an individual amount to at least two hundred times the size of the base settlement amount¹.

A debtor - an individual, a creditor, as well as a state tax service authority and other authorized bodies may apply to the court to declare an individual insolvent². The insolvency case of an individual may be initiated by the court if there are signs of the debtor's insolvency.

When considering a case on the insolvency of a debtor - an individual, the following procedures are applied:

- debt restructuring³;
- bankruptcy and sale of property⁴.

According to Article 197 of the Law of the Republic of Uzbekistan "On Insolvency", if the total amount of all obligations of an individual is not less than two hundred times the size of the base calculated value, the

¹ Ibratova F. Problems of a settlement in bankruptcy cases in economic courts //Norwegian Journal of Development of the International Science. – 2019. – №. 28-3. – С. 23-25.

² Ионина М. Б. Банкротство физических лиц //Сибирское юридическое обозрение. – 2015. – №. 4 (29). – С. 49-52.

³ Зинковский М. А. Проблемы банкротства физического лица //Вестник Белгородского юридического института МВД России. – 2016. – №. 2. – С. 48-50.

⁴ Ibratova F. B. et al. Special features of modern legal systems: cases and collisions. – 2017.

individual, no later than thirty days from the date of the occurrence of such a circumstance, must apply to the court with an application to initiate proceedings against himself on insolvency

The following documents shall be attached to an application for declaring a debtor - an individual insolvent:

- information confirming the presence or loss of the status of an individual entrepreneur (if he was engaged in such activities)⁵;
- a list of the property of an individual (with an indication of the price), which the debtor is ready to provide to satisfy the claims of creditors, the location or storage of property, indicating the name or first name, surname and patronymic of the owner of the property that is the subject of pledge;
- copies of documents (if any) confirming the right of an individual to own property and the exclusive rights of an individual to the results of intellectual activity;
- copies of real estate documents, securities, shares in the authorized capital (authorized capital) of a legal entity, vehicles, as well as transactions concluded by an individual in the period three years prior to the date of application⁶;
- extract from the register of shareholders (participants) of a legal entity in which an individual is a shareholder (participant) (if any);
- information on income received by an individual, on taxes and fees accrued and paid in the period of three years prior to the date of filing an application for declaring an individual insolvent⁷;
- a certificate issued by a commercial bank on accounts in commercial banks and cash balances on them, savings (deposits), as well as information on transactions, deposits (deposits) on the accounts of an individual, including an individual entrepreneur for a period of three years prior to the date of application on declaring an individual insolvent (if there is)⁸;
- information on the state of the personal account of the insured person (if any);
- a copy of the decision of the territorial department of employment and labor relations on the recognition of an individual as unemployed (if any);
- a copy of the marriage certificate (if concluded on the date of filing the application or the divorce is not registered) and (or) the divorce certificate (if it was issued earlier within three years before filing the application), as well as a copy of the marriage contract (if any);
- a copy of the agreement or court document on the common property of the spouses, concluded and accepted within three years prior to the date of filing the application, respectively (if any).

An individual may indicate in his application the candidacy of the financial manager.

An application for the insolvency of an individual may be filed by a creditor, the state tax service or other authorized body in the presence of a court decision that has entered into legal force, confirming the claims of

⁵ Зинковский М. А. Проблемы банкротства физического лица //Вестник Белгородского юридического института МВД России. – 2016. – №. 2. – С. 48-50.

⁶ Кулик И. Н. Банкротство физических лиц //Вестник науки и образования. – 2018. – Т. 1. – №. 7 (43). – С. 78-80.

⁷ Ибратова Ф. Б. Банкротство ликвидируемого субъекта предпринимательства: проблемы и решения //Norwegian Journal of Development of the International Science. – 2021. – №. 58-2. – С. 45-48.

⁸ Кирилловых А. А. Банкротство физических лиц: новации законодательства о несостоятельности //Законодательство и экономика. – 2015. – №. 6. – С. 7-22.

creditors for monetary obligations and duties on taxes and fees, with the exception of the rules of part two of Article 199 of the Law of the Republic of Uzbekistan " About insolvency.

In the absence of a court decision, an application for declaring an individual insolvent may be submitted by the creditor according to the following requirements:

- claims based on notarized transactions;
- requirements certified by the executive inscription of a notary;
- claims based on documents submitted by the creditor for monetary obligations recognized but not fulfilled by an individual;
- claims for the recovery of alimony for minor children who do not need to establish paternity, renounce paternity (maternity) or involve other interested parties⁹.

An application for declaring an individual insolvent, along with documents, is also accompanied by information confirming the presence or loss of the status of an individual entrepreneur (if he was engaged in such activities).

Not later than five days from the date of receipt of an application for declaring a debtor - an individual insolvent, the judge issues a ruling on accepting the application and initiating an insolvency case or on refusing to accept or return the application¹⁰.

о своей неплатежеспособности подано должником – физическим лицом.

In the ruling on initiating a case on the insolvency of an individual, the court imposes on the debtor - an individual the obligation, within fifteen days from the date of receipt of the court ruling, to submit to the court a written opinion with the attachment of the documents provided for in Article 198 of the Law of the Republic of Uzbekistan "On Insolvency". This rule does not apply if an application for insolvency is filed by a debtor who is a natural person.

Based on the results of consideration of the case on declaring an individual insolvent, the court adopts one of the following judicial acts:

- a ruling on the introduction of a procedure for restructuring the debt of an individual;
- a decision to declare an individual bankrupt and start the procedure for selling the property of an individual;
- decision to reject the application¹¹.

Unless proven otherwise, an individual is considered insolvent if at least one of the following circumstances exists:

- in case of non-fulfillment of more than ten percent of the total amount of monetary obligations and (or) obligations to pay taxes and fees for more than one month from the date when such obligations must be fulfilled¹²;

⁹ Ибратова Ф. Б. Гражданско-правовые проблемы признания банкротами индивидуальных предпринимателей в Республике Узбекистан //Вопросы современной юриспруденции. – 2015. – №. 5-6 (47). – С. 61-70.

¹⁰ Федоренко Н. В., Колесник И. В., Колесник В. В. Банкротство физического лица: от теории к практике //Наука и образование: хозяйство и экономика; предпринимательство; право и управление. – 2018. – №. 5. – С. 58-61.

¹¹ Ibratova F. BANKRUPTCY OF A LIQUIDATED BUSINESS ENTITY: PROBLEMS AND SOLUTIONS //Norwegian Journal of development of the International Science. – 2021. – Т. 2021. – С. 45.

- the amount of debt of an individual exceeds the value of his property;
- if there is a decision to terminate enforcement proceedings due to the absence of property from an individual¹³.

If there is information about the opening of an inheritance in respect of an individual, the court has the right to suspend proceedings on the insolvency case of an individual until the issue of the fate of the inheritance is resolved.

A court ruling on satisfaction of an application for declaring an individual insolvent and introducing a procedure for restructuring his debt is issued if such an application is filed on the grounds provided for in Article 196 of the Law of the Republic of Uzbekistan "On Insolvency", if signs of insolvency of an individual are proven and at least one of the circumstances is committed, provided for in Article 200 of the Law of the Republic of Uzbekistan "On Insolvency".

The financial manager is appointed by the court from among the candidates proposed by an individual or creditors or an authorized state body or a public association of court managers.

A court decision to refuse to satisfy an application for declaring an individual insolvent is made in the presence of one of the following conditions:

- there is another case on recognition of the insolvency of an individual;
- there are no signs of insolvency of an individual¹⁴;
- there are no grounds provided for in part four of Article 200 of the Law of the Republic of Uzbekistan "On Insolvency";
- the claims specified in the application of the creditor or the relevant authorized body as of the date of filing the insolvency application are not confirmed by a court decision that has entered into legal force and there is a dispute between the creditor or the relevant authorized body and an individual about the right, which is subject to resolution in the manner of a lawsuit.

The court makes a decision on declaring an individual bankrupt and applying the procedure for selling his property if:

- an individual, without good reason, did not fulfill the obligation imposed by the court in accordance with part two of Article 200 of the Law of the Republic of Uzbekistan "On Insolvency";
- a plan for restructuring the debt of an individual has not been submitted within the period established in Article 207 of the Law of the Republic of Uzbekistan "On Insolvency";
- the court refused to approve the plan for restructuring the debt of an individual¹⁵.

Declaring an individual bankrupt and the procedure for selling his property are introduced for a period of no more than six months. If necessary, at the request of the persons participating in the insolvency case, or at the initiative of the court, this period may be extended for a period not exceeding three months.

¹² Алфёрова Л. Несостоятельность (банкротство) физических лиц: тенденции развития механизма банкротства граждан. – Litres, 2022.

¹³ Ibratova F. Legal Problems of the Concepts Legality, Justification and Justice by Judicial Acts //Middle European Scientific Bulletin. – 2021. – Т. 16.

¹⁴ Ibratova F. B. et al. Legal Issues of Observation-Bankruptcy Procedures Applicable by the Economic Court of Uzbekistan //J. Advanced Res. L. & Econ. – 2019. – Т. 10. – С. 187.

¹⁵ Агишева А. Р., Аксенов И. А., Гревцова О. А. Банкротство физических лиц. – 2015.

If the meeting of creditors does not nominate a financial manager of an individual for the procedure for selling his property, the court appoints a financial manager who conducted the procedure for restructuring the debt of an individual.

In the event of the commencement of the procedure for the sale of the property of an individual, the court has the right to issue a ruling on the temporary restriction of the right of an individual to leave the territory of the Republic of Uzbekistan.

The right of an individual to leave the territory of the Republic of Uzbekistan is limited until the day a ruling is issued on the completion or termination of the procedure for declaring an individual bankrupt and selling his property, as well as on the approval of a settlement agreement¹⁶.

If there is a good reason for requiring the departure of an individual from the territory of the Republic of Uzbekistan, at the request of an individual and taking into account the opinions of creditors and the financial manager, the court may early cancel the ruling on temporary restriction of the right to exit of an individual from the territory of the Republic of Uzbekistan.

Copies of the rulings on the establishment of a temporary restriction on the right to leave an individual from the territory of the Republic of Uzbekistan and on its cancellation are sent to the individual and the bodies for the protection of the State Border¹⁷.

In the course of declaring an individual bankrupt and initiating the procedure for selling his property, the claims of creditors and the relevant authorized body are subject to consideration in the manner prescribed by the Law of the Republic of Uzbekistan "On Insolvency". The creditor has the right to apply to the court in cases where, for valid reasons, he did not file his claims for inclusion in the register of creditors' claims within the prescribed period, does not agree that the financial manager is not included in the register of creditors' claims, or is in the queue for satisfying the claim of the register.

Based on the request of the financial manager, at the beginning of the procedure for declaring an individual bankrupt and selling his property, credit institutions are obliged to provide information on existing deposits, accounts and funds, as well as other property and on the lease agreement for a bank safe (safe deposit box) of an individual declared insolvent.

All property of an individual from the moment of the decision to declare bankrupt an individual and the sale of his property, identified or acquired after the start of this procedure, constitutes the liquidation estate, with the exception of the property provided for in Article 52 of the Law of the Republic of Uzbekistan "On the execution of judicial acts and acts of other bodies ", and which cannot be levied.

If property that cannot be levied on is included in the liquidation estate, at the request of an individual or other persons participating in the insolvency case, this property shall be excluded from the liquidation estate by a court ruling. This ruling of the court may be appealed (protested)¹⁸.

At a reasoned petition of an individual and other persons participating in the insolvency case, the court has the right to exclude property from the liquidation estate of an individual, which, in accordance with the law, is levied on enforcement documents, and the funds received from its sale are not related to the satisfaction creditors' claims.

¹⁶ Ibratova F. B. The Concept and Characteristics of Bankruptcy Procedures for Business Entities With the Status of a Legal Entity //Middle European Scientific Bulletin. – 2022. – T. 20. – С. 143-147.

¹⁷ Анисимов В. А., Чумаков Г. В. Банкротство физических лиц //Международный журнал гуманитарных и естественных наук. – 2022. – №. 5-2. – С. 179-181.

¹⁸ Ibratova F. TERMS IN CIVIL LAW AND THEIR APPLICATION IN LEGAL PROTECTION OF CITIZENS IN THE REPUBLIC OF UZBEKISTAN.

The liquidation estate may include the property of the debtor - an individual, constituting his share in the common property in accordance with civil and family legislation. The creditor has the right to present a demand for the allocation of the share of the debtor - an individual from the common property¹⁹.

From the date of declaring the debtor - an individual bankrupt and the beginning of the procedure for the sale of his property:

- all rights in relation to the property constituting the liquidation estate, including the right to dispose of it, are exercised only by the financial manager on behalf of the individual²⁰;
- transactions made by an individual (without the participation of a financial manager) in respect of property constituting the liquidation estate are void. Claims of creditors under transactions of an individual made by him personally (without the participation of a financial manager) are not subject to satisfaction at the expense of the liquidation mass;
- previously imposed prohibitions on the property of an individual and other restrictions on the disposal of the property of an individual are removed²¹;
- прекращается начисление неустоек (штрафов, пени) и иных финансовых санкций, а также процентов по всем обязательствам физического лица, за исключением текущих платежей²².

The debtor - an individual, within three working days from the date of appointment of the financial manager, must transfer all the property belonging to him, including documents confirming the ownership of this property to the financial manager, with the exception of property that cannot be levied according to the law. In case of evasion from this obligation, the debtor - an individual is liable in accordance with the law²³.

The financial manager at the time of the sale of property on behalf of an individual:

- manages the funds of accounts and deposits of an individual in banks and other credit institutions;
- opens and (or) closes accounts of an individual in banks and other credit organizations²⁴;
- exercises the right of a participant in a legal entity that belongs to the debtor - an individual, including the right to vote at a general meeting of participants;
- participates in the consideration in courts of cases relating to the property rights of an individual, including the transfer or return of the property of an individual, its recovery from someone else's possession²⁵.

¹⁹ Любовева Е. Г., Анохина Е. И. Банкротство физических лиц: предварительные итоги и последствия //Вестник евразийской науки. – 2017. – Т. 9. – №. 1 (38). – С. 94.

²⁰ Браславец О. Н. и др. Человек как субъект общественных изменений: социальные, гуманитарные и психологические проблемы. – 2021.

²¹ Зинковский М. А. Банкротство физического лица: первые шаги и трудности //Банковское право. – 2017. – №. 2. – С. 34-39.

²² Babakulovna I. F., Normuratovna E. Z. Legal Issues of the Concept of "Corporate Disputes" Under Procedural Legislation: Theory and Practice //American Journal of Social and Humanitarian Research. – 2022. – Т. 3. – №. 6. – С. 341-346.

²³ Попов Е. Ю. Формирование гражданско-правового института банкротства физического лица в Российской Федерации : дис. – Волгоград, 2012.

²⁴ Ibratova F. B. Legal consequences of the introduction of a bankruptcy procedure for an individual entrepreneur or an individual who has lost the status of an individual entrepreneur. – 2022.

²⁵ Дутова Н. В. Банкротство физического лица //Права и свободы человека и гражданина: теоретические аспекты и юридическая практика. – 2016. – С. 498-501.

From the date of declaring the debtor - an individual bankrupt and the beginning of the procedure for the sale of his property:

- registration of the transfer and encumbrance of the right of a debtor - an individual to property, including real estate and securities, is carried out only on the basis of an application from the financial manager. Applications of an individual submitted before this date are not subject to execution;
- voluntary transfer of funds or property to creditors directly by a third party in order to fulfill the obligations of the debtor - an individual is not allowed, these funds and property are included in the liquidation estate;
- the debtor - an individual is not entitled to open bank accounts and deposits in banks and other credit organizations and receive funds from them, except as provided for in part three of Article 206 of the Law of the Republic of Uzbekistan "On Insolvency".

Banks and other credit institutions shall be liable for the execution of operations to dispose of the property of a debtor - an individual from the date of the commencement of the procedure for declaring an individual bankrupt and selling his property or under a power of attorney issued by them to an individual, under a deposit agreement and (or) a bank account agreement, in including a bank card, if banks and other credit institutions were duly notified of the introduction of a bankruptcy procedure for an individual and the sale of his property in accordance with legislative acts²⁶.

An individual is obliged, no later than one working day following the day the decision was made to start the procedure for declaring an individual bankrupt and selling his property, to transfer to the manager all bank cards he has (indicating the PIN code). Not later than one working day following the day of their receipt, the financial manager is obliged to take measures to suspend operations with bank cards received by him to transfer funds to the main account of the debtor - an individual.

The property of an individual pledged under an agreement concluded for settlements under a transaction on participation in shared construction in accordance with the legislation on participation in shared construction of apartment buildings and (or) other real estate objects is accounted for separately, and the right to claim under this transaction is included in the liquidation mass²⁷.

Within one month from the date of the inventory and valuation of the property of an individual, the financial manager is obliged to submit to the court the procedure and conditions for the sale of the property of an individual, indicating the initial sale price of the property. The procedure, conditions and term for the sale of property of an individual are approved by the court and must comply with the rules for the sale of property of the debtor of an individual, established by Articles 126, 127 and 151 of the Law of the Republic of Uzbekistan "On Insolvency". A court ruling shall be issued on the approval of the procedure, conditions and term for the sale of the property of an individual and on the establishment of the initial price for the sale of property. This ruling may be appealed).

With regard to property located outside the Republic of Uzbekistan, a separate court ruling is issued, the execution of which is carried out according to the rules of the procedural legislation of the state on whose territory this property is located, or in accordance with international treaties of the Republic of Uzbekistan with the state on whose territory this property is located.

²⁶ Babakulovna I. F. Grounds for the introduction of bankruptcy procedures for an individual entrepreneur or an individual who has lost the status of an individual entrepreneur //International journal of professional science. – 2022. – №. 1. – С. 5-9.

²⁷ Довлатова Г. П. и др. Инновации, тенденции и проблемы в области экономики, управления и бизнеса. – 2021.

The assessment of the property of an individual, which is included in the liquidation estate, is carried out by the financial manager independently. The assessment carried out can be challenged by an individual, creditors, an authorized body in a case of insolvency of an individual²⁸.

The meeting of creditors has the right to decide on the assessment of the property of the debtor - an individual in accordance with the Law of the Republic of Uzbekistan "On Insolvency", with the involvement of an appraisal organization and payment of the costs of this assessment at the expense of the persons who voted for the adoption of the relevant decision.

The property of an individual, part of this property is sold at auction in the form of an electronic online auction in the manner prescribed by the Law of the Republic of Uzbekistan "On Insolvency", unless otherwise provided by the decision of the meeting of creditors or a court ruling. The sale of the subject of pledge is carried out in the manner prescribed by Article 126 of the Law of the Republic of Uzbekistan "On Insolvency".

If the financial manager fails to sell the property belonging to an individual and (or) the right of claim from third parties in accordance with the established procedure, and if creditors refuse to accept this property and (or) the right to claim to pay off their claims after the sale of the property of an individual is completed, his the right to dispose of this property and (or) the right to claim is restored. In this case, the property constituting the liquidation estate and not sold by the financial manager is transferred to the individual under the act²⁹.

The financial manager is obliged to inform the individual, creditors and the relevant authorized body at their request about the inventory, valuation and sale of the property of an individual, as well as submit a report at the meeting of creditors.

The property of an individual, owned by him on the basis of common ownership with his wife (former spouse), is sold according to the general rules in the insolvency case of an individual. In such cases, the spouse (former spouse) has the right to participate in the insolvency case of an individual in resolving issues related to the sale of common property.

The liquidation estate includes a part of the funds from the sale of the common property of the spouses (former spouses), corresponding to the share of the debtor - an individual in such property, the rest of these funds is paid to the spouse (former spouse) of the debtor - an individual.

If at the same time the spouses (former spouses) have joint obligations (including if there are joint and several obligations or if one spouse provides a guarantee or pledge for the other), the part due to the spouse (former spouse) is paid after satisfaction of the obligation of the spouse (former spouse)³⁰.

Claims of creditors on current payments have priority over claims that arose before the adoption of an application for declaring an individual insolvent, and these claims are settled out of turn.

Claims of creditors for current payments are satisfied in the following order:

²⁸ Sh A. G., Kh N. O., Ibratova F. B. Formation and development of civil law doctrines on the bankruptcy of business entities in the Republic of Uzbekistan //International journal of professional science. – 2021. – №. 10. – С. 5-12.

²⁹ Трещева О. Ю. Банкротство физических лиц: возможно или нет //Общество: политика, экономика, право. – 2015. – №. 3. – С. 38-40.

³⁰ Okyulov O., Ibratova F., Salimova I. Legal issues of remedies by the judgment //International Research Conference on Technology, Science, Engineering & Management. – 2021. – С. 53-60.

- in the first place - current payments related to the payment of alimony, court costs in the case of insolvency of an individual, payment of remuneration to the financial manager, persons involved by the financial manager to ensure the duties assigned to him in the case of insolvency of an individual;
- in the second place - current payments related to labor relations;
- in the third place - utility bills, as well as mandatory payments to homeowner's associations for the management of apartment buildings;
- in the fourth place - claims for other current payments.

Claims of creditors for current payments related to the same priority are satisfied in the order of calendar priority.

Claims included in the register of creditors' claims shall be satisfied in the following order:

- in the first place - claims for obligations for causing harm to the life or health of citizens, as well as claims for the recovery of alimony;
- in the second place - the requirements arising from labor relations;
- thirdly - the claims of other creditors.

The funds received from the sale of the subject of pledge are used to satisfy the claims of creditors secured by the pledge. After the sale of the pledged property, the remaining part, after the full satisfaction of the claims of creditors secured by the pledge, is included in the liquidation estate³¹.

Obligations unsatisfied at the expense of the value of the subject of pledge, secured by the pledge of property of an individual, are satisfied as part of the claims of third-priority creditors.

If all the debtor's property is a pledge and (or) the debtor's property is not enough to satisfy creditors' claims in full, the funds received from the sale of the subject of pledge are distributed in the following order:

- to satisfy the claims of creditors of the first and second priority, but within the framework of a part of the funds not exceeding ten percent;
- for the payment of remuneration to the financial manager, expenses related to paying for the services of persons involved by the manager and with the sale of the collateral, as well as for reimbursement of court costs and other current payments, but within the part of the funds not exceeding ten percent;
- the remaining funds are directed to satisfy the claims of creditors secured by collateral³².

Claims of creditors that are not satisfied due to the insufficiency of the property of an individual are considered to be repaid.

After completion of settlements with creditors, the financial manager is obliged to submit to the court a report on the results of the sale of the property of an individual, copies of documents confirming the sale of the property of an individual and satisfaction of creditors' claims, as well as a register of creditors' claims, indicating the amount of satisfied creditors' claims.

³¹ Ибратова Ф. Б. ПРАВОВЫЕ ПОСЛЕДСТВИЯ БАНКРОТСТВА ИНДИВИДУАЛЬНОГО ПРЕДПРИНИМАТЕЛЯ ИЛИ ФИЗИЧЕСКОГО ЛИЦА, УТРАТИВШЕГО СТАТУС ИНДИВИДУАЛЬНОГО ПРЕДПРИНИМАТЕЛЯ //Polish Journal of Science. – 2021. – №. 38-2. – С. 20-24.

³² Попов Е. Ю. Реструктуризация долга и мировое соглашение в предупреждении банкротства физического лица //Право и экономика. – 2011. – №. 8. – С. 51-57.

Based on the results of consideration of the report on the results of the sale of the property of an individual, the court issues a ruling on the completion of the procedure for the sale of the property of an individual.

After the completion of settlements with creditors, an individual is released from the obligation to fulfill unsatisfied claims of creditors due to the insufficiency of the property of an individual, including claims of creditors that were not filed during the introduction of the debt restructuring procedure or declaring an individual bankrupt and selling his property (hereinafter referred to as the release of an individual from obligations).

The release of an individual from obligations does not apply to the circumstances provided for by paragraph five of Article 222 of the Law of the Republic of Uzbekistan “On Insolvency”, as well as the claims of creditors who are not aware or could be ignorant of the initiation of insolvency proceedings against an individual.

The release of an individual from obligations is not allowed in cases where:

- there is a judicial act that has entered into force on bringing an individual to criminal or administrative liability for the deliberate creation of insolvency or concealment of insolvency subsequently of his illegal actions in an insolvency case;
- evidence has been established that the individual did not provide the necessary information or deliberately submitted deliberately false information to the court considering the insolvency of the individual, and this evidence is confirmed by the relevant judicial act adopted when considering the case on the insolvency of the individual;
- illegal actions of an individual during the period of occurrence or execution of the requirements of the creditor or the relevant authorized body, including fraud, unreasonable evasion of debts, evasion of taxes and fees, as well as deliberate submission of knowingly false information to the creditor when obtaining a loan, concealment or intentional destruction of property.

In the cases provided for by part five of Article 222 of the Law of the Republic of Uzbekistan “On Insolvency”, the court, in the ruling on the completion of the procedure for the sale of the property of an individual, indicates that the rule on release from obligations is not applied to the individual, and if these cases are revealed after the completion of the insolvency case, the court issues a ruling on non-application of the rule on the release of the debtor - an individual from obligations.

Claims of creditors for current payments, for compensation for harm caused to life or health, claims arising from labor relations, for the recovery of alimony, as well as claims that are inextricably linked to the personality of the creditor (including those not filed in an insolvency case) remain in force and can be presented after the completion of the insolvency case of an individual in their outstanding part in the manner prescribed by law.

After the completion of the procedure for the sale of the property of an individual for unsatisfied claims of creditors, provided for by part seven of Article 222 of the Law of the Republic of Uzbekistan “On Insolvency” and included in the register of creditors' claims, the court issues a writ of execution in accordance with the procedure established by law.

The rules of part five of Article 222 of the Law of the Republic of Uzbekistan “On Insolvency” also apply to the requirements:

- on bringing an individual as a responsible person brought to subsidiary liability;
- on compensation for losses caused intentionally or through negligence by an individual to a legal entity that is a participant or a member of its collegial bodies;

- on compensation for losses that were caused intentionally, through negligence as a result of non-performance or improper performance by the financial manager of the duties assigned to him in the case of the insolvency of an individual;
- on compensation for damage caused to someone else's property by an individual intentionally or through negligence;
- on the application of the consequences of the invalidity of a transaction declared invalid in accordance with the requirements of the Law of the Republic of Uzbekistan "On Insolvency".

In case of revealing evidence of concealment of the property of the debtor - an individual or illegal transfer of the property of an individual to third parties, the creditor or the relevant authorized body, whose requirements were not satisfied during the insolvency procedure of an individual, has the right to apply to the court with an application to review the ruling on completion of the insolvency procedure³³.

The decision on the completion of the insolvency procedure of an individual may be reviewed in the manner prescribed by part one of Article 223 of the Law of the Republic of Uzbekistan "On Insolvency", due to newly discovered circumstances that were not known to the creditor or the relevant authorized body as of the date of issuance of this decision.

The creditor or the relevant authorized body has the right to file an application for revising the determination of the completion of the insolvency procedure of an individual on the grounds established by Article 223 of the Law of the Republic of Uzbekistan "On Insolvency", within one month from the date of discovery of the circumstances that are the basis for the court to review this determination.

Cancellation of the court ruling on the completion of the insolvency procedure of an individual is the basis for the resumption of proceedings on the insolvency case. The court issues a ruling on the resumption of proceedings on the insolvency case of a natural person, which may be appealed (protested against).

When resuming proceedings on the insolvency case of an individual, a procedure for the sale of his property is introduced.

In case of cancellation of the ruling on the completion of the insolvency procedure of an individual, the publication of a notice on the resumption of proceedings on the insolvency case of an individual is carried out in the manner established by the Law of the Republic of Uzbekistan "On Insolvency".

From the date of cancellation of the ruling on the completion of the insolvency procedure of an individual, upon resumption of proceedings on the insolvency case of an individual, a part of the debt unsatisfied in the register of creditors' claims until the completion of the insolvency procedure is restored³⁴. Other creditors or the relevant authorized body have the right to submit their claims in the manner prescribed by the Law of the Republic of Uzbekistan "On Insolvency".

The composition and amount of claims of creditors and (or) the relevant authorized body are determined as of the date of resumption of proceedings on the insolvency case of an individual.

Within five years from the date of completion of the procedure for the sale of property in relation to an individual or the termination of proceedings on an insolvency case, this person is not entitled to assume obligations under credit agreements and (or) loan agreements without reporting the fact that an insolvency case has been initiated against him.

³³ Баркатунов В. Ф., Покрамович О. В., Подосинников Е. Ю. Банкротство физических лиц: доступность правосудия, иллюзии и правовые реалии //Научный вестник Крыма. – 2017. – №. 2 (7). – С. 19.

³⁴ Бубнова И. Ю. и др. Банкротство физических лиц //NovalInfo. Ru. – 2015. – Т. 1. – №. 38. – С. 190-195.

Within five years from the date of completion of the procedure for the sale of property in respect of an individual or the termination of insolvency proceedings, an insolvency case may not be initiated at the request of this individual.

In case of re-recognition of an individual as insolvent within five years on the basis of an application by a creditor or the relevant authorized body, the rule on releasing an individual from obligations, provided for by part three of Article 222 of the Law of the Republic of Uzbekistan "On Insolvency", is not applied to the individual.

After the completion of the procedure for the sale of the property of an individual, the court issues a writ of execution in the manner prescribed by law, for claims not filed during the insolvency proceedings, for which the payment deadline has come.

The conclusion of a settlement agreement is the basis for terminating the proceedings on the insolvency of an individual.

The amicable agreement concluded in the course of proceedings on the insolvency case of an individual shall apply to the claims of the relevant authorized body and (or) creditors included in the register of creditors' claims as of the date of the meeting of creditors that decided to conclude the amicable agreement.

Settlement agreement approved by the court³⁵.

If a settlement agreement is concluded, the execution of the plan for restructuring the debt of an individual is terminated, as well as the moratorium on satisfaction of creditors' claims.

- Upon termination of proceedings on the insolvency case of an individual in connection with the conclusion of a settlement agreement:
- the powers of the financial manager of an individual are terminated;
- an individual or a third party participating in the amicable agreement proceeds to repay debts to creditors³⁶.

In case of resumption of proceedings in the case of insolvency due to violation of the terms of the settlement agreement, a procedure is introduced for declaring an individual bankrupt and selling his property.

An application for the invalidation of transactions concluded by a debtor - an individual, may be filed with the court by the financial manager on his own initiative or by decision of the meeting of creditors or the committee of creditors, as well as by the creditor or the relevant authorized body on the basis of Articles 63, 64 and (or) 65 of the Law Republic of Uzbekistan "On insolvency".

The right to file an application for the invalidation of transactions concluded by the debtor - an individual, arises from the date of the procedure for restructuring the debt of an individual on the basis of Articles 63, 64 and (or) 65 of the Law of the Republic of Uzbekistan "On Insolvency".

It is concluded that an application for the invalidity of transactions made by the spouse of the debtor - an individual in relation to the common property of the spouses, in the case of insolvency of an individual is filed on the grounds provided for by family law.

³⁵ Ибратова Ф. Б. ПРАВОВЫЕ ПРОБЛЕМЫ МИРОВОГО СОГЛАШЕНИЯ ПРИ РАССМОТРЕНИИ ДЕЛ О БАНКРОТСТВЕ В ЭКОНОМИЧЕСКИХ СУДАХ РЕСПУБЛИКИ УЗБЕКИСТАН //ПЕРСПЕКТИВЫ РАЗВИТИЯ НАУКИ В СОВРЕМЕННОМ МИРЕ. – 2019. – С. 163-170.

³⁶ Ibratova F. Bankrotlik to 'g 'risidagi ishlarda prokuror ishtiroki.

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