

THEORIES ABOUT LEGAL ENTITIES

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ANNOTATION

In this article, the concept of legal entities and its essence, importance and place in the structure of legal relations are reflected on the basis of various theories and legal literature

Keywords: legal entities, legal relations, theories of legal entity, legal associations.

INTRODUCTION

In order to determine the meaning behind legal entities, different theories about legal entities can be divided into two groups.

The first group of these theories includes the work of Friedrich Carl von Savigny, the founder of the famous historical school. His concept is one of the first fundamental theories of the theories of legal entity, and it was named "Fiction theory". According to Savinya's view, the characteristics of the subject of law are really owned only by man. But for practical purposes, the legislator recognizes that the basis of legal entities is the human personality, making a person the embodiment of a legal entity. In this way, the legislator implements a legal fiction, that is, creates a fictional legal subject.

The goal-orientation theory proposed by Alois von Brins has a common point with the fictional theory in that it also denies the existence of a real entity with the characteristics of a legal entity. Since the main purpose of the legal entity is to manage property, the legal entity is nothing but goal-oriented. The second group of the theory of the legal entity comes from the thesis of justifying the existence of the legal entity in reality. The main thesis was interpreted by Carl Georg von Bezeler, it is called "Theory of Existence" and is the opposite theory to the theory of fabrication. He recognized that not only individuals, but also social organisms can participate as legal entities. Another name of this theory is called "Theory of Social Organisms". The theory of existence found its continuation in the works of the French civilist R. Salleil. Based on the views of Bezeler and Gierke, he managed to get rid of some biologization of legal entities, and as a result, R. Salleil's "Realistic theory" became a concept of a more fully developed realistic direction. Society exists as a result of the interaction of a community of people, associations, which are considered as real as its members. The purpose of such associations comes from the wishes of its members. The law does not establish false legal associations, but only recognizes associations of individuals as independent subjects of law. Rudolph von Iering's "Theory of Interest" also forms a separate group among the theories of legal personality. According to Iyering's assumption, a legal entity does not exist as a real - natural law subject. This is nothing but a legal fiction. If law is legal protection, the legislator is giving legal protection to a group of people, allowing them to participate in society as a whole. However, according to Iyering, this does not mean that a new subject of law has appeared. Former Soviet jurisprudence paid serious attention to the study of legal entities. In the 1940s and 1950s, many scientific studies dedicated to this institute appeared. During this period, civil scientists focused their attention on the study of legal entities belonging to the state. By

this time, theories explaining the legal entities of three states were created. Academician A. Venikditov proposed "Collective Theory". According to this theory, collectives of workers and employees of enterprises and other public collectives can be recognized as legal subjects of state legal entities.

"State theory" S.I. Developed by Asknazi. According to this theory, behind every state-owned enterprise is the state, the owner of its property. Based on it, it is impossible to put the human basis of a legal entity on the labor team of this enterprise. A state legal entity is the state itself, which acts in a certain area of economic relations.

"Director theory" Yu.K. It was proposed by Toltoy and fully explored in his works. According to this theory, the main goal of a legal entity is to have the opportunity to participate in civil legal relations. Only the director is authorized to participate in civil legal relations on behalf of the enterprise. Therefore, it is the legal carrier of the state legal entity. In addition, D.M. Genkin and V. V. Legal entities proposed by Cherepakhin "Theory of Social Reality", O.A. Krasavchikov proposed "Theory of social relations", A.A. Pushkin and B.I. Such theories as "Organization theory" proposed by Puginsky became very important for that time. The simultaneous existence of many scientific theories about legal entities indicates that the legal entity institution has a very complex legal nature. At different stages of economic development, the features of theories about legal entities were put forward. This, in turn, motivated the evolution of the development of the legal entity institution.

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