



LEGAL ISSUES OF INDIVIDUAL DEBT RESTRUCTURING UNDER THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN

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Annotation: The article deals with the introduction of the procedure for restructuring the debt of an individual, the requirements for the plan for restructuring the debt of an individual. The plan for restructuring the debt of an individual, the procedure for notifying creditors and the relevant authorized body of the presence of significant changes in the property status of an individual are analyzed.

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

In the process of restructuring the debt of an individual, the debtor - an individual and (or) the creditor within ten days from the date of expiration, the publication of information on declaring the debtor bankrupt and initiating liquidation proceedings, provided for in Article 143 of the Law of the Republic of Uzbekistan "On Insolvency", has the right to submit to the financial manager debt restructuring plan for an individual.

Information on the procedure and place for familiarization with the draft plan for restructuring the debt of an individual and the documents attached to it are published in the manner prescribed by the Law of the Republic of Uzbekistan "On Insolvency".

If the financial manager receives draft plans for restructuring the debt of an individual from two or more persons, he submits such drafts for consideration by the meeting of creditors¹.

If the financial manager of an individual has not received any draft plan for restructuring the debt of an individual within the term, together with the debtor - an individual, he takes measures to develop a plan for restructuring the debt of an individual. If the debtor - an individual prevents the development of such a plan, the financial manager of the debtor - an individual makes a proposal to the meeting of creditors to declare the individual bankrupt and introduce a procedure for selling his property.

The financial manager is obliged to submit for consideration by the first meeting of creditors a draft plan for restructuring the debt of an individual, objections to the submitted plan and (or) proposals for its revision (if there are such objections), as well as a report on its activities, a register of creditors, information about the financial condition of the debtor - an individual².

¹ Кондратьева К. С., Гройсберг А. И. Особенности проведения процедуры реструктуризации задолженности физического лица в деле о банкротстве //Вестник Пермского университета.

Юридические науки. – 2016. – №. 4. – С. 418. ² Алексеев В. В., Краснов В. К., Речнов А. В. К вопросу о реструктуризации задолженности физических

лиц //Вестник Российского университета кооперации. – 2016. – №. 3 (25). – С. 4-8.





The draft plan for restructuring the debt of an individual is considered by the meeting of creditors. Not later than five days before the date of the trial in the insolvency case of an individual, the financial manager of an individual is obliged to submit to the court a report on his activities, information on the financial condition of an individual, minutes of the meeting of creditors, which considered the draft plan for restructuring the debt of an individual, with an attachment documents.

An individual's debt restructuring plan must meet the following requirements:

- firstly, the debtor an individual must have a source of income on the date of submission of the plan for restructuring the debt of an individual³;
- secondly, before the date of acceptance of the application for declaring an individual insolvent, the proceedings on bringing an individual to administrative or criminal liability for committing petty theft, on the grounds of intentional destruction, causing harm or damage to property, or false insolvency or intentional insolvency, were also withdrawn or the conviction of an individual for the intentional commission of a crime in the economic sphere has been extinguished⁴;
- thirdly, during the five years preceding the submission of the debt restructuring plan, the individual was not declared bankrupt and the procedure for the sale of his property was not applied;
- fourthly, during the eight years preceding the submission of this plan, the plan for restructuring the debt of an individual was not approved⁵.

The debtor - an individual is obliged to notify the creditors:

- about the facts of petty theft, intentional destruction, causing harm or damage to property, illegal actions during insolvency, bringing to administrative or criminal liability for false insolvency or deliberate insolvency⁶;
- on criminal and administrative cases known to an individual, as well as on the removal of a criminal record or the cancellation of a criminal record;
- on debt restructuring plans within the previous eight years prior to the submission of a decision taken earlier within five years to declare an individual bankrupt and apply the procedure for selling his property or a plan for restructuring his debt⁷.

Information is indicated in the plan for restructuring the debt of an individual.

The plan for restructuring the debt of an individual must indicate the requirements of the creditors of the individual, as well as the procedure and terms for satisfying the requirements⁸.

³ Барышова М. В. и др. Социальное предпринимательство: научные исследования и практика. – 2019.

⁴ Попов Е. Ю. Реструктуризация долга и мировое соглашение в предупреждении банкротства физического лица //Право и экономика. – 2011. – №. 8. – С. 51-57.

⁵Ibratova F. Problems of a settlement in bankruptcy cases in economic courts //Norwegian Journal of Development of the International Science. – 2019. – №. 28-3. – C. 23-25.

⁶ Ibratova F. B. et al. Special features of modern legal systems: cases and collisions. – 2017.

⁷ Бурыкина А. и др. Некоторые вопросы правового регулирования банкротства физических лиц //Orapëв-Online. – 2016. – №. 13 (78). – С. 6.

⁸ 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.





The procedure for notifying creditors and the relevant authorized body of the presence of significant changes in the property status of an individual is determined in terms of restructuring his debt.

The term for implementing the debt restructuring plan for an individual cannot exceed three years⁹.

The plan for restructuring the debt of an individual should provide for the satisfaction of claims in full on the obligations of an individual secured by a pledge, at the expense of funds received from the sale of property secured by a pledge¹⁰.

The claims of the debtor - an individual for compensation for harm caused to the life or health of citizens, as well as the recovery of alimony, payments arising from labor and equivalent legal relations, claims for payment of remuneration to the author based on the results of intellectual activity, are included in the debt restructuring plan of an individual.

A proportional satisfaction of the claims of creditors and the relevant authorized body included in the debt restructuring plan of an individual is established¹¹.

With the separate consent of the creditor and (or) the relevant authorized body, the plan for restructuring the debt of an individual may provide for partial compensation of the claim of the person who gave such consent.

In terms of restructuring the debt of an individual, there may be provisions on the procedure and terms for the sale of property that is the subject of pledge¹².

Attached to the debt restructuring plan of an individual are:

- a list of property and property rights of an individual;
- information about the sources of income of an individual for six months preceding the submission to the court of a plan for restructuring his debt;
 - information on accounts payable, including payments on current liabilities;
- a credit report received from an organization that maintains a registry of collateral, and information about the credit history of an individual;
- application of an individual, if he has objections to the submission by the creditor or the relevant authorized body of the debt restructuring plan¹³.

Copies of documents (if any) confirming his property and property rights are also attached to the plan for restructuring the debt of an individual.

The plan for restructuring the debt of an individual, approved by the meeting of creditors, is subject to approval by the court, if it provides for the full satisfaction of claims

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

¹⁰ Ибратова Ф. Б. Гражданско-правовые проблемы признания банкротами индивидуальных предпринимателей в Республике Узбекистан //Вопросы современной юриспруденции. – 2015. – №. 5-6 (47). – С. 61-70.

^{(47). –} C. 61-70.

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

¹² Гулько А. А., Певнева Л. А. О качественном аспекте реструктуризации ссудной задолженности физических лиц в свете тенденций развития розничного кредитования в России. – 2013.

¹³ Ibratova F., Khabibullaev D. LEGAL ISSUES OF SIGNS OF BANKRUPTCY AND THE REALIZATION OF THE RIGHTS OF WORKERS IN CASES OF BANKRUPTCY OF EMPLOYERS UNDER THE LAWS OF THE REPUBLIC OF UZBEKISTAN //Znanstvena Misel. – 2019. – №. 11-2. – C. 55-61.





for current obligations that must be satisfied, the claims of first and second priority creditors included in the register of creditors' claims¹⁴.

If the meeting of creditors does not approve the plan for restructuring the debt of an individual, when applying to the court of a person participating in the case on the insolvency of an individual with a request for an additional period for finalizing the said plan, the court may postpone consideration of the issue of approving the plan for restructuring the debt of an individual.

An additional period for finalizing the plan for restructuring the debt of an individual, provided by the court, cannot exceed two months¹⁵.

The court, based on the results of consideration of the debt restructuring plan for an individual, makes one of the following decisions:

- ruling on approval of the plan for restructuring the debt of an individual;
- a decision to refuse to approve a plan for restructuring the debt of an individual, as well as to declare an individual bankrupt and introduce a procedure for selling his property¹⁶.

If the meeting of creditors does not approve the plan for restructuring the debt of an individual, the court has the right to approve this plan under the following circumstances:

- the implementation of the plan will provide an opportunity to fully satisfy the requirements of all creditors of an individual;
- as a result of the sale of the property of an individual, as well as the amount of his average six-month income satisfies at least fifty percent of the requirements of the creditor and the relevant authorized body¹⁷.

Judicial acts may be appealed (protested).

The court decides to refuse to approve the plan for restructuring the debt of an individual in cases where:

- the plan for restructuring the debt of an individual does not meet the requirements of Article 208 of the Law of the Republic of Uzbekistan "On Insolvency";
- the plan for restructuring the debt of an individual does not establish a procedure for notifying creditors and the relevant authorized body of significant changes that have occurred in his property status;
- the plan for restructuring the debt of an individual is not approved by the meeting of creditors in accordance with the requirements of the Law of the Republic of Uzbekistan "On Insolvency";
- there is unreliable information in the debt restructuring plan of an individual and the documents attached to it 18;

¹⁴ Гукасян Д. А., Барашян Л. Р. Проблемы реструктуризации долгов в законе о банкротстве физических лиц //Экономика и социум. - 2016. - №. 2. - С. 269-271.

Дадаян Е. В., Сторожева А. Н. Банкротство физических лиц как один из способов защиты имущественных прав граждан //Современный ученый. – 2020. – №. 5. – С. 262-266.

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. - C. 143-147.

¹⁷ Голубцов В. Г. Модель банкротства физического лица в концепции гражданской несостоятельности по российскому законодательству //Шестой Пермский конгресс ученых-юристов. – 2016. – С. 47-53.



- the terms of the plan for restructuring the debt of an individual are contrary to this Law and other regulatory legal acts.

From the date of approval by the court of the plan for restructuring the debt of an individual, the following consequences occur:

- claims of creditors included in the plan are presented to an individual only in the manner and on the terms provided for by this plan;
- claims of creditors not included in the plan may be presented to an individual in the manner prescribed by the Law of the Republic of Uzbekistan "On Insolvency";
- $\,$ creditors are not entitled to claim compensation for losses incurred by them after the approval of the plan $^{19};$
- it is not allowed to terminate the claims of an individual for monetary obligations by offsetting a counter claim, unless the plan provides otherwise;
- penalties (fines, penalties) and other sanctions are not charged for non-fulfillment or improper fulfillment of financial obligations and duties on taxes and fees, as well as interest on payment terms that are included in the plan, but not fulfilled or improperly fulfilled, with the exception of current payments²⁰;
- an individual is obliged to notify in writing the creditor and the relevant authorized body of a significant change in his property status in relation to the established plan for restructuring his debt within fifteen days from the date of such a change. The criteria for a significant change in the property status of an individual are established in the plan for restructuring his debt.

During the period of execution of the plan for restructuring the debt of an individual, the debtor - an individual is not entitled to hide the implementation of this plan when applying for a loan, as well as when purchasing goods (works, services) on credit)²¹.

Creditors and (or) the relevant authorized body, whose requirements are not included in the plan for restructuring the debt of an individual, have the right to present these requirements during the approval of the plan in the manner prescribed by the Law of the Republic of Uzbekistan "On Insolvency". Such claims included in the register of creditors' claims are satisfied on the general terms and conditions provided for by the plan for restructuring the debt of an individual²².

The debtor - an individual has the right to send proposals to the financial manager on making changes to the debt restructuring plan for his debts.

¹⁹ Старков Е. В. К вопросу о реструктуризации долга при банкротстве физических лиц //Известия Юго-Западного государственного университета. Серия: История и право. – 2019. – Т. 9. – №. 5. – С. 27-34. ²⁰ 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.

²¹ Кирилловых А. А. Банкротство физических лиц: новации законодательства о несостоятельности //Законодательство и экономика. – 2015. – №. 6. – С. 7-22.

¹⁸ Ibratova F. Bankrotlik to 'g 'risidagi ishlarda prokuror ishtiroki.

²² Ибратова Ф. Б., Чориев М., Собиржонов О. ПРАВОВЫЕ ВОПРОСЫ УЧАСТИЯ В ЭКОНОМИЧЕСКОМ ПРОЦЕССЕ ПРОКУРОРА, ГОСУДАРСТВЕННЫХ ОРГАНОВ И ИНЫХ ЛИЦ //International journal of professional science. − 2022. − №. 5. − С. 14-22.





Within fifteen days from the date of receipt by the financial manager of the proposal to amend the plan for restructuring the debt of an individual, this plan with the amendments made to it must be sent to creditors and the relevant authorized body.

The meeting of creditors to consider the issue of approving the changes made to the debt restructuring plan of an individual is convened by the financial manager within a month from the date of sending the said plan with the changes made to it to the creditors and the relevant authorized body²³.

Based on the results of consideration of changes made to the plan for restructuring the debt of an individual, the meeting of creditors makes a decision to approve or reject these changes.

Changes made to the debt restructuring plan of an individual must be approved by the meeting of creditors by a majority vote of the total number of votes of creditors with the right to vote²⁴.

Changes made to the debt restructuring plan of an individual are considered by the court.

Based on the results of consideration of changes made to the plan for restructuring the debt of an individual, the court makes one of the following rulings:

- on approval of changes made to this plan, if the meeting of creditors approves the changes;
 - on refusal to approve changes made to the plan.

Court rulings may be appealed (protested)²⁵.

The court, at the request of an individual, may extend the term for the execution of the plan for restructuring the debt of an individual, if the extension of the period is approved by the meeting of creditors.

The court may extend the term for the execution of the debt restructuring plan of an individual for a period not exceeding six months without the approval of the meeting of creditors, if it is proved that the execution of the debt restructuring plan within the period specified in it turned out to be impossible ²⁶.

The court ruling on the extension of the term for the implementation of the debt restructuring plan of an individual may be appealed (protested).

²³ Гусейналыева Э. Р. План реструктуризации долгов //IV Студенческий юридический форум. – 2017. –

²⁴ Браславец, О. Н., Влавацкая, М. В., Дрыгина, Ю. А., Ибратова, Ф., Калинин, Е. Д., Лагунова, Л. В., ... & Эсанова, З. (2021). Человек как субъект общественных изменений: социальные, гуманитарные и психологические проблемы.

²⁵ Кочкалов С. А., Мауль Е. А. ПЛАН РЕСТРУКТУРИЗАЦИИ ДОЛГА В ПРОЦЕДУРЕ БАНКРОТСТВА ФИЗИЧЕСКОГО ЛИЦА: ПОНЯТИЕ И ОСОБЕННОСТИ //АКТУАЛЬНЫЕ ВОПРОСЫ СОВРЕМЕННОЙ НАУКИ. – 2021. – С. 92-100.

²⁶ Филимонова Е. С. Проблемы реструктуризации долгов в процедурах банкротства физических лиц в Российской Федерации //Colloquium-journal. – Голопристанський міськрайонний центр зайнятості, 2020. - №. 10 (62). - C. 255-257.





The meeting of creditors has the right to apply to the court with a request to amend the plan for restructuring the debt of an individual in the event of an improvement in the property situation of an individual²⁷.

The application for amendments to the debt restructuring plan of an individual shall indicate:

- the ability to satisfy the claims of creditors included in the plan for restructuring the debt of an individual, in a shorter period (or) more than planned in comparison with this $plan^{28}$;
- establishing evidence of an improvement in the property status of an individual in comparison with his property status as of the date of approval of the plan for restructuring the debt of an individual;
 - proposals for amendments to the plan for restructuring the debt of an individual²⁹.

The decision of the meeting of creditors to apply to the court for amendments to the plan for restructuring the debt of an individual is taken by a majority vote of the creditors having the right to vote.

The court notifies the persons participating in the insolvency case of a natural person of the date of consideration of the request of the meeting of creditors to amend the debt restructuring plan of the natural person. The failure of the notified persons to appear shall not be an obstacle to the consideration of the application.

Based on the results of consideration of the request of the meeting of creditors to amend the plan for restructuring the debt of an individual, the court makes one of the following rulings:

- on approval of changes made to the debt restructuring plan for an individual³⁰;
- on refusal to approve changes made to the debt restructuring plan of an individual. Court rulings may be appealed (protested).

The debtor, an individual, at the request of the financial manager, provides information on the implementation of the plan for restructuring the debt of an individual³¹.

Not later than one month before the expiration of the deadline for the implementation of the debt restructuring plan for an individual, the financial manager is obliged to prepare a report on the results of the implementation of the debt restructuring plan for an individual.

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²⁷ 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.

²⁸ Ионов А. В. ПРОБЛЕМЫ И СПОСОБЫ РЕСТРУКТУРИЗАЦИИ ССУДНОЙ ЗАДОЛЖЕННОСТИ ФИЗИЧЕСКИХ ЛИЦ В УСЛОВИЯХ ЭКОНОМИЧЕСКОГО КРИЗИСА //СОВРЕМЕННЫЕ ТЕНДЕНЦИИ РАЗВИТИЯ ФИНАНСОВОЙ СИСТЕМЫ РОССИИ. – 2015. – С. 39-41.

²⁹ 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. − C. 5-9.

³⁰ Пичкуров С. Н. Финансовые аспекты процедуры банкротства физических лиц //Региональное развитие: электронный научно-практический журнал. – 2015. – №. 4 (8). – С. 30.

³¹ 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.





A report on the implementation of the debt restructuring plan of an individual with copies of documents confirming the repayment of creditors' claims is sent to creditors and the relevant authorized body, whose claims are included in the debt restructuring plan of an individual, as well as to the court³².

If the claims of creditors included in the debt restructuring plan of an individual are not satisfied as of the date of consideration of the report, or the report is not submitted on time, the financial manager, creditor or the relevant authorized body convenes a meeting of creditors.

If the claims of creditors included in the plan for restructuring the debt of an individual are not satisfied as of the date of consideration of the report, the meeting of creditors considers the issue of applying to the court with a petition for early termination of the procedure for restructuring the debt of an individual and declaring the individual bankrupt and initiating the procedure for selling his property.

The meeting of creditors must be held no later than fourteen days before the expiration of the deadline for the implementation of the plan for restructuring the debt of an individual³³.

The report and (or) petition of the meeting of creditors on the early termination of the procedure for restructuring the debt of an individual and declaring an individual bankrupt and on the beginning of the procedure for the sale of his property, as well as complaints of creditors, are considered at a court session. Based on the results of the consideration, the court issues one of the following judicial acts:

- a ruling on the completion of the procedure for restructuring the debt of an individual in the event that the creditors' claims provided for by the plan are satisfied and (or) the creditors' complaints are recognized as unfounded;
- a decision on the early termination of the procedure for restructuring the debt of an individual and declaring an individual bankrupt and initiating the procedure for selling his property.

The court prematurely terminates the procedure for restructuring the debt of an individual in cases³⁴:

- the presence in the plan and the documents attached to it of unreliable information;
- failure to fulfill the obligation of an individual to notify creditors of significant changes in property status in the manner prescribed by the plan, if there are complaints (applications) of the creditor or the relevant authorized body;
- non-fulfillment by an individual of obligations to the creditor or the relevant authorized body, which are included in the plan.

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³² Пичкуров С. Н. Финансовые аспекты процедуры банкротства физических лиц //Региональное развитие: электронный научно-практический журнал. – 2015. – №. 4 (8). – С. 30.

³³ Ibratova F. B., Erezhepov B. I., Ortikov S. S. ECONOMY, ORGANIZATION AND MANAGEMENT OF ENTERPRISES, INDUSTRIES, COMPLEXES //Editorial team.–2019. – 2019. – T. 1. – C. 13-19.

³⁴ Иванова С. П. Новые подходы в области законодательного регулирования реабилитационных процедур, применяемых в деле о банкротстве физических лиц //Научный руководитель. – 2016. – №. 1. – С. 63-72.



According to the legislation, the creditor or the relevant authorized body has the right to apply to the court for early termination of the procedure for restructuring the debt of an individual³⁵.

Evidence must be attached to the application of the creditor or the relevant authorized body on the early termination of the procedure for restructuring the debt of an individual, confirming that copies of this application were sent to the persons participating in the insolvency case.

The application of the creditor or the relevant authorized body on the early termination of the procedure for restructuring the debt of an individual is considered by the court within ten days from the date of receipt of this application³⁶.

It is concluded that if, when considering the complaint (application) of the creditor or the relevant authorized body on the early termination of the procedure for restructuring the debt of an individual, it is established that the individual has not fulfilled its obligations to the creditor or the relevant authorized body in accordance with the terms of the plan for restructuring the debt of an individual, the court is obliged to make a decision on the early termination of the procedure for restructuring the debt of an individual and declaring an individual bankrupt and initiating the procedure for selling his property.

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³⁵ Дудник Д. В. и др. Научные основы финансовой, кредитно-денежной и ценовой политики. – 2021.

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