

МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ

ХАРКІВСЬКИЙ НАЦІОНАЛЬНИЙ ЕКОНОМІЧНИЙ УНІВЕРСИТЕТ
ІМЕНІ СЕМЕНА КУЗНЕЦЯ

"ЗАТВЕРДЖУЮ"

Проректор з навчально-методичної роботи



Каріна НЕМАШКАЛО

Господарське право

робоча програма навчальної дисципліни

Галузь знань	Усі
Спеціальність	Усі
Освітній рівень	перший (бакалаврський)
Освітня програма	Усі

Статус дисципліни
Мова викладання, навчання та оцінювання

вибіркова
англійська

Завідувач кафедри
правового регулювання економіки

Олег ЛУК'ЯНЧИКОВ

Харків
2023

APPROVED

at the meeting of the department of the legal regulation of the economics
Protocol № 6 at 17.01.2023

Developer:

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**Letter of renewal and re-approval of the
work program of educational discipline**

Academic year	The date of the meeting of the of the WPED developer	Protocol number	The signature of the head of the department

Annotation of the educational discipline

The fundamental change in economic relations in Ukraine made it necessary to review the current legislative framework, update it and adapt it to the new economic conditions. Economic legislation in everyday economic practice. Complex character and numeral normative legal acts in the field of economic activity that change constantly, as well as the possibility of applying customs in the regulation of civil relations, the need because of the ratification of the Association Agreement with the EU of usage of case-law of the European Court of Human Rights in resolving dispute significantly complicate the process of the regulation of economic activity, as well as research and study these processes. Economic law that regulates the production, trade activity of economic entities, i.e., economic relations directly, and undergoes major changes. In connection with this, requirements for future specialists increase - economists on knowledge of the basics of economic law and the skills of applying norms.

In general economic law aims to ensure the growth of economic activity of economic entities, development of entrepreneurship and on this basis to increase the efficiency of social production, its social orientation in accordance with the Constitution of Ukraine, to establish social economic order in the economic system of Ukraine, to promote its harmonizing with other economic systems.

The discipline “Economic Law” is based on the knowledge of students acquired in the study of such academic disciplines as “Law”, etc.

The discipline “Economic Law” belongs to the list of disciplines of free choice. It ensures the personal and professional development of the student and aims at forming a complex of knowledge about the rights in the field of economic activity, which is a necessary component of making the right decisions both in the field of management and control of the economy, and in the performance of specific local tasks; in understanding the principles of the protection of rights of the subjects of economic activity.

Purpose of the discipline is the preparation of future specialists in the field of economic and the formation of knowledge of the main provisions of the theory and practice of applying the norms of economic law in the process of economic activity, as well as standards in professional activities for independent problem solving in the organization and implementation of economic activities, and protection of the rights of of the subject of economic activity.

The main **tasks** of the educational discipline is to create a system of knowledge and practical skills and ideas, important for economic activities, assimilation of specific professional terminology, formation of a professionally competent legal language as an important component of the legal culture of the future specialist; that will allow at a higher level study other legal sciences; development of logical thinking, the ability to support own arguments, development of creative aptitudes of students; development of elementary research skills; formation of legal awareness and legal culture, acquaintance with the procedure for resolving economic disputes, formation of skills and abilities of using normative legal acts and drafting of procedural documents in resolving economic disputes.

The subject of the discipline is the totality of social relations in the field of economic activity.

Characteristics of educational discipline

Course	3
Semester	5
Number of ECTS credits	5
Form the final control	Pass

Structural-logical scheme of studying the discipline

Prerequisites	Postrequisites
Law	Finances
Political economy	Accounting

Business Economics	
Microeconomics	

Competence and learning results for discipline

Competences	Learning results
To analyze the concept, system, and method and the subject of legal regulation of economic law, choose the source of legal regulation of certain economic relationships.	Determine the concept and features of economic law, the concept, features and structure of economic legal relations, skills to apply economic law and other sources of economic law .
To form the ability to optimally choose the organizational and legal form of the economic entity in case of its creation.	Understanding the peculiarities of the legal status of economic entities, the differences between their organizational and legal forms. Be able to determine the circle of subjects of economic relations, legal status of economic entity, to know the requirements to their constituent documents
The ability to describe procedure of creation and state registration of the economic entities and peculiarities of licensing their activity.	Characterize the procedure of alignment and state registration of the subjects of management objects and peculiarities of licensing their activity.
Ability to determine the forms and procedure of termination of economic entities, as well as the features, grounds, order and procedure for termination of an entity in case of recognition of it as a bankrupt.	Determine content and characterize forms of cessation of economic activity, and especially bankruptcy procedure.
Ability to analyze the peculiarities of the legal regime of property of economic entities, to choose its type when creating a specific entity.	Be able to determine the content and features of the legal regime of property of each type of economic entities.
Ability to determine the content and types of economic obligations and economic contracts, the procedure for their conclusion, modification and termination, and apply them in practice.	Be able to characterize the concept, content and types of economic obligations and economic contracts, the order of their conclusion, change and termination.
The ability to identify entities in the field of economic activity, choose the type of economic and legal responsibility and the relevant economic legal sanctions for a specific economic offense.	Identify the subjects controlling the economic activity, as well as the liability that occurs as a result of violation of economic legislation, be able to determine the composition of the economic offense and choose the type of economic legal sanctions for a particular economic offense.
Understand the principles, the procedure for protecting the rights of economic entities, and make procedural documents to ensure the effectiveness of such protection.	Be able to compose procedural documents in case of violation of the rights of the economic entity and choose the way of protection of violated rights.

Program of the discipline

Content module 1.

General provisions, subjects of economic activities

Topic 1. Economic law and economic legislation

Economic law as a complex branch of law: the subject and method of economic law.

General characteristics of economic relations, their types.

Principles of economic law (use of general legal, branch principles, principles of separate legal institutes).

System of the economic law: a general characteristic. Sources of the economic law: customs and legislation.

General characteristics of economic legislation. Local legislation. The analogy of law and the analogy of the lex. Use of interpretative norms to regulate economic relations.

Topic 2. The concept of entrepreneurship.

General characteristics of economic activity, its types.

Prerequisites for realization of the right to engage in entrepreneurial activity.

Concepts, features and types of entrepreneurship.

Principles of entrepreneurial activity.

Restrictions in the conduct of entrepreneurial activity.

Topic 3. Subjects of economic activity. Organizational and legal forms of economic activity.

Concepts and features of economic activity. Entrepreneurial legal personality (legal capacity and active legal capacity). Types of subjects of economic activity.

The essence of the organizational and legal form of entrepreneurial activity. Entrepreneurial activity of individual entrepreneurs. General characteristics of legal entities, their classification.

Topic 4. Legal status of economic entities.

Concept, features and types of economic entities. Full partnerships and partnership in commendam. Limited liability companies and additional liability companies. Joint-stock companies.

Topic 5. Legal status of enterprises and enterprise associations.

Concept, features and types of enterprises.

General characteristics of certain types of enterprises: state, communal, collective, private, etc.

Legal status of enterprise associations: concept, features and types.

Topic 6. Legalization of subjects of entrepreneurial activity.

Concepts, types and stages of legalization. General characteristics of state registration.

General characteristics of the state registration procedure.

General characteristics of the procedure of making changes and amendments to constituent documents of the legal entity, information about a natural person – entrepreneur.

General characteristics of licensing of economic activity.

Topic 7. General characteristics of the termination of economic activity. Reorganization and liquidation of subjects of economic activity.

Grounds, techniques and forms of termination of subjects of entrepreneurship. General characteristics of reorganization of subjects of entrepreneurial activity.

Liquidation of a subject of economic activity – a legal entity.

Bankruptcy of subjects of economic activity: a) the concept and reasons for bankruptcy; b) proceedings in bankruptcy cases; c) sanation of the debtor; d) liquidation procedure; e) the collection of bankruptcy debts and the procedure for satisfying the claims of creditors.

Topic 8. Property right. Legal regime of property of subjects of economic activity.

The concept of property and property rights in Ukraine. Content of property (estate). Grounds for emergence and termination of property rights. Types (forms) of the property.

Legal regime of property of subjects of economic activity. The right of economic management and operational management.

Content module 2.

Contracts, liability and protection of rights

Topic 9. Economic and legal obligations and economic contracts.

General provisions on economic obligations: concepts, types and grounds of economic obligations. Economic contracts, their contents and procedure for the conclusion of economic contracts. Change and termination of economic contracts.

Execution of economic contracts and ways of ensuring obligations.

Topic 10. Control and liability in economic activity.

The concept, types and grounds of legal and economic liability. Economic offenses. Types of economic sanctions and their characteristics.

Concepts, types and forms of control over the implementation of economic activities. Concept and principles of state control (supervision) for the implementation of entrepreneurial activity. Procedure for implementation of comprehensive planning measures of state supervision (control).

Legal status of the Antimonopoly Committee in Ukraine.

Topic 11. Protection of the rights of subjects of economic activity.

The status of economic courts in Ukraine, their system and powers.

The essence of pre-trial settlement of economic disputes.

The subordination and jurisdiction of the economic court.

General characteristics of the time limit for claims: concept, types, starts, stops, interruption and restores of the time limit for claims.

Resolution of economic disputes by economic court.

The list of practical and seminar classes, as well as questions and tasks for independent work is given in the table “Rating-plan of the discipline”.

Teaching and learning methods

In the educational process traditional methods are used – verbal (story, explanation, lecture, conversation, discussion, in distance learning – essay, seminar) (topics 1-11), visual (display: illustration, demonstration presentation) (topics 1-11), practical (exercises – situational tasks, cases, creative exercises, performance of creative task, research work) (topics 1-11), control (express-surveys, written control works, final control) (topics 1-11) and independent (analysis of legal acts) (topics 1-11).

In addition, dialogical teaching methods are used (methods of activating educational and cognitive actions) (topics 1-11), in particular, they include analysis of a specific situation, “brainstorming” (“attack”) (topics 11), educational and thematic discussion (topics 1-11), business game (topics 6, 7, 11), professional consultation (topics 1-11), etc.

The order of evaluation of the results of training

The system of evaluation of the formed competences in students takes into account the types of classes that, according to the program of the discipline, provide lecture and practical classes, as well as performing independent work. KhNEU named by S. Kuznets uses a cumulative (100-point) evaluation system.

The control measures include:

current control during the semester in the course of lectures, practical classes which is estimated by the sum of the points scored (the maximum amount is 100 points; the minimum amount that allows the student – 60 points);

modular control, conducted in the form of control work as an intermediate mini-exam on the teacher’s initiative, taking into account the current control over the corresponding content module, and aims at an integrated evaluation of the student's learning outcomes after studying the material from the logically completed part of the discipline content module;

final / semester control, conducted in the form final control task, according to the schedule of the educational process.

In the practical lesson, assessment is carried out for active work in the classroom (total 5 points), such as survey and the quality of situational tasks – problem situations, topic revision or preparation and speech with a report.

The general criteria for evaluating non-auditing independent work of students are: the depth and strength of knowledge, the level of thinking, the ability to systematize knowledge on specific topics, the ability to make informed conclusions, the possession of categorical apparatus, skills and

techniques of performing practical tasks, the ability to find the necessary information and legislation, its systematization and processing, self-realization on practical lessons.

Extracurricular independent work involves the implementation of a individual creative task, which is evaluated in 10 points (research work by writing a scientific article, some presentation. etc).

Forms of assessment and distribution of points are given in the table “Rating-plan of the discipline”.

Rating-plan of the discipline

Topic	Form and type of learning		Form of assessment	Max point
Topic 1.	<i>Classroom work</i>			
	Lecture	Lecture «Economic law and economic legislation»	Active work on lectures	
	Practical classes	Practical classes №1. Economic law and economic legislation	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	System of the economic law: a general characteristic. Sources of the economic law: customs and legislation. General characteristics of economic legislation. Local legislation. The analogy of law and the analogy of the lex. Use of interpretative norms to regulate economic relations.	homework check	
		Solving problems-model situations, review of current legislation	homework check	
Topic 2.	<i>Classroom work</i>			
	Lecture	Lecture «The concept of entrepreneurship».	Active work on lectures	
	Practical classes	Practical classes № 2. The concept of entrepreneurship	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	Prerequisites for realization of the right to engage in entrepreneurial activity. Principles of entrepreneurial activity. Restrictions in the conduct of entrepreneurial activity.	homework check	
		Solving problems-model situations, review of current legislation	homework check	
T	<i>Classroom work</i>			

	Lecture	Lecture «Subjects of economic activity. Organizational and legal forms of economic activity»	Active work on lectures	
	Practical classes	Practical classes № 3. Subjects of economic activity. Organizational and legal forms of economic activity	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	The essence of the organizational and legal form of entrepreneurial activity. Entrepreneurial activity of individual entrepreneurs. General characteristics of legal entities, their classification.	homework check	
		Solving problems-model situations, review of current legislation	homework check	
Topic 4.	<i>Classroom work</i>			
	Lecture	Lecture «Legal status of economic entities».	Active work on lectures	
	Practical classes	Practical classes № 4. Legal status of economic entities	Survey, homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	Comparative characteristic of economic entity's type.	homework check	
Solving problems-model situations, review of current legislation		homework check		
Topic 5.	<i>Classroom work</i>			
	Practical classes	Lecture «Legal status of enterprises and enterprise associations».	Active work on lectures	
	Practical classes	Practical classes № 5. Legal status of enterprises and enterprise associations	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	Comparative characteristic of type of enterprises. Comparative characteristic of type of enterprise associations	homework check	
Solving problems-model situations, review of current legislation		homework check		
Topic 6.	<i>Classroom work</i>			
	Lecture	Lecture «Legalization of subjects of entrepreneurial activity».	Active work on lectures	

	Practical classes	Practical classes № 6. Legalization of subjects of entrepreneurial activity	Homework check, topic revision, control task for topic 1-6	5 5
	<i>Independent work</i>			
	Questions and tasks for self-study	General characteristics of the state registration procedure. General characteristics of the procedure of making changes and amendments to constituent documents of the legal entity, information about a natural person – entrepreneur.	homework check	
Solving problems-model situations, review of current legislation, preparation for control task on topics 1-6		homework check, control task on topic 1-6		
Topic 7.	<i>Classroom work</i>			
	Lecture	Lecture «General characteristics of the termination of economic activity. Reorganization and liquidation of subjects of economic activity».	Active work on lectures	
	Practical classes	Practical classes № 7. General characteristics of the termination of economic activity. Reorganization and liquidation of subjects of economic activity	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	Liquidation of a subject of economic activity – a legal entity. Bankruptcy of subjects of economic activity	homework check	
Solving problems-model situations, review of current legislation		homework check		
Topic 8.	<i>Classroom work</i>			
	Lecture	Lecture «Property right. Legal regime of property of subjects of economic activity»	Active work on lectures	
	Practical classes	Practical classes № 8. Property rights. Legal regime of property of subjects of economic activity	Homework check, topic revision	5

	<i>Independent work</i>			
	Questions and tasks for self-study	Legal regime of property of subjects of economic activity. The right of economic management and operational management	homework check	
		Solving problems-model situations, review of current legislation	homework check	
Topic 9.	<i>Classroom work</i>			
	Lecture	Lecture «Economic and legal obligations and economic contracts»	Active work on lectures	
	Practical classes	Practical classes № 9. Economic and legal obligations and economic contracts	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	Change and termination of economic contracts. Execution of economic contracts and ways of ensuring obligations	homework check	
		Solving problems-model situations, review of current legislation	homework check	
Topic 10.	<i>Classroom work</i>			
	Lecture	Lecture «Control and liability in economic activity»	Active work on lectures	
	Practical classes	Practical classes № 10. Control and liability in economic activity	Homework check, topic revision	5
	<i>Independent work</i>			
	Questions and tasks for self-study	Types and forms of control over the implementation of economic activities. Procedure for implementation of comprehensive planning measures of state supervision (control)	homework check	
		Solving problems-model situations, review of current legislation	homework check	
Topic 11.	<i>Classroom work</i>			
	Lecture	Lecture «Protection of the rights of subjects of economic activity»	Active work on lectures	

	Practical classes	Practical classes № 11. Protection of the rights of subjects of economic activity	Homework check, topic revision, control task on topic 7-11 individual creative task	5 5 10
	<i>Independent work</i>			
	Questions and tasks for self-study	The essence of pre-trial settlement of economic disputes. The subordination and jurisdiction of the economic court. General characteristics of the time limit for claims: concept, types, starts, stops, interruption and restores of the time limit for claims. Statement of claim, its requisites.	homework check	
			homework check, creative task, individual task	
Final control work			25	
Total			100	

Recommended literature

Basic:

1. Господарський кодекс України [Текст] : станом на 1 верес. 2016 р., відп. офіц. тексту – Х. : Право, 2016 – 231 с.
2. Цивільний кодекс України [Текст] : станом на 24 листоп. 2014 р.; відп. офіц. тексту – Х. : Право, 2014 – 437 с.
3. Господарський процесуальний кодекс України [Текст] : станом на 19 лют. 2014 р.; відповідає офіц. тексту – Х. : Право, 2014 – 96 с.

Additional:

4. Ostapenko O. G., Yerofyeyenko L. V. The right to entrepreneurial activity and the right to work as the principles of the economic system and national economy of Ukraine / O. G. Ostapenko, L. V. Yerofyeyenko // Economic Development: Global Trends and National Peculiarities. – Collective monograph. – Poland : “Publishing House “Baltija Publishing”, 2020. – P. 119–135. – DOI: 10.30525/978-9934-588-61-7-9
5. Shliakhta A. Y., Ostapenko O. G. Legal regulation of monopolistic formations in Ukraine / A. Y. Shliakhta, O. G. Ostapenko // Економічний розвиток і спадщина Семена Кузнеця: матеріали V наук.-практ. конф., 26-27 лист. 2020 р. : тези допов. – Одеса: Вид. дім «Гельветика», 2020. – С. 172-173.
6. Ostapenko O. G. Legal status of the subjects of economic activities in Ukraine / O. G. Ostapenko, L. V. Yerofieienko // Perspectives of world science and education : Abstracts of the 4th International scientific and practical conference, 25-27 December 2019, Osaka, Japan. - Osaka, 2019. - Pp. 109-116. -URL: <http://sci-conf.com.ua>.

7. Sylenko N. M. Restrictions on the exercise of corporate rights by officials in Ukraine: problems and ways of improvement / N. M. Sylenko, A. M. Shalaieva. // World science: problems, prospects and innovations : Abstracts of the 3rd International scientific and practical conference. - Perfect Publishing. Toronto, Canada. - 2020. Pp. 164-174.
8. Sylenko N. M. On the choice of organizational and legal form of the enterprise in Ukraine / N. M. Sylenko, K. A. Pankova. // Fundamental and applied research in the modern world : Abstracts of the 4th International scientific and practical conference. - BoScience Publisher. Boston, USA. - 2020. - Pp. 261-269.
9. Sylenko N. M. Liquidation of the legal entity in Ukraine: how to make the procedure effective / N. M. Sylenko, Y. Y. Golub. // Fundamental and applied research in the modern world : Abstracts of the 4th International scientific and practical conference. - BoScience Publisher. Boston, USA. -2020. - Pp. 254-260.
10. Sylenko N. M. Definition of entrepreneurship / N. M. Sylenko, A. M. Abraimova. // World science: problems, prospects and innovations : Abstracts of the 3rd International scientific and practical conference. - Perfect Publishing. Toronto, Canada. - 2020. - Pp. 174-184.

Інформаційні ресурси

11. Офіційний веб-сайт Верховної Ради України: <http://rada.gov.ua/>
12. Єдиний державний реєстр судових рішень: <http://reyestr.court.gov.ua/>
13. The text of lectures, presentations on topics, references to sources, tasks for practical classes, evaluation criteria, data bank are posted. <https://pns.hneu.edu.ua/course/view.php?id=4988>
14. Economic Code of Ukraine (Official translation). <https://zakon.rada.gov.ua/laws/show/en/436-15#Text>
15. S. Kuznets Personal Learning System <https://pns.hneu.edu.ua/course/view.php?id=7481>