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RESPONSIBILITY OF AN INDIVIDUAL ENTREPRENEUR FOR OBLIGATIONS ARISING FROM ENTREPRENEURIAL ACTIVITY

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The problem of small business development is currently quite relevant. Low initial investment and fast adaptive abilities allow a small business to survive or quickly transform in a constantly changing external environment. In turn, the organizational aspect, regulated by regulatory and legislative acts, is of great importance in the development of small business. The important factors influencing the decision whether to register a business as an individual are the simplicity of doing business and the degree of acceptable liability. An urgent task is to delineate the responsibility of an individual entrepreneur (IE) and an individual who has terminated entrepreneurial activity. The purpose of this article is to determine the limit of liability of an individual who has registered the termination of entrepreneurial activity for obligations received in the course of conducting an individual entrepreneur business. It has been established that individuals who have registered the termination of entrepreneurial activity are fully responsible for the obligations earned, but not covered as a result of their economic activities. The responsibility of legal entities and individuals for obligations received in the implementation of these economic entities has been determined. The owners of legal entities, unlike (sole proprietorship), have the right to choose the form of ownership and, as a result, the measures of responsibility of the business entity and its founders. The article presents a comparative characteristic of the regulation of liability for obligations received as a result of economic activities, legal entities and individual entrepreneurs. The existing normative-legislative acts of Ukraine more strictly regulate the responsibility of the sole proprietor, depriving him of the right to choose, in contrast to the responsibility of legal entities. This approach leads to negative consequences in the organization of economic activities and, as a result, in the coverage of the individual entrepreneur's obligations for the IE, and for its counterparties, and for the state. A mechanism is proposed that allows differentiating the responsibility of an individual as an individual entrepreneur and a private individual. This mechanism will mitigate the responsibility of the sole proprietor and the individual, the "owner of the sole proprietor" and make this responsibility the same responsibility of legal entities and their owners.

Keywords: an individual entrepreneur, responsibility of an individual entrepreneur (IE) for obligations, entrepreneurial activity, small business.

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Problem statement

Small business is one of the elements contributing to the organic development of the state in a market economy. The role of small business has increased significantly over the past 30–40 years and determines the rate of economic growth of any state.

In modern conditions of functioning, small business is a driving force that forms the structure and quality of the gross national product.

Global changes in the world economy have opened up significant prospects for the development of small businesses. Small enterprises enter the

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international market and gain worldwide recognition. Largely, this is facilitated by modern digital technologies, new marketing approaches, branched communication means, a high level of organization of international logistics, perfect organization of entrepreneurial activity.

The problem of small business development is currently quite relevant. Low initial investment and fast adaptive ability allow a small business to survive or quickly transform in a constantly changing external environment.

The policy of the state on the territory of which this business is being created plays an important strategic role in the formation and functioning of small business. The governments of many countries contribute to the establishment, promotion and development of small businesses, encouraging small enterprises through the provision of various kinds of preferences. The organizational aspect, regulated by regulatory and legislative acts, is of great importance.

Analysis of publications

Analysis of the regulatory framework and court decisions, research by theorists and research by practitioners have shown that currently in the field of organizing small businesses in Ukraine, there are a number of unsolved problems that have very negative consequences. One of the urgent tasks requiring an urgent solution is the delineation of the responsibility of an individual entrepreneur (IE) and an individual who has stopped entrepreneurial activity [1–16].

The aim of the article

The aim of this article is to determine the limit of liability of an individual who has registered the termination of entrepreneurial activity for obligations received in the course of conducting a sole proprietorship business. To achieve this aim, it is necessary to carry out an overview of the responsibility of IE determined by the current legislation. In addition, it should be established what responsibility for its obligations bears an individual who has registered the termination of entrepreneurial activity.

The main material

To begin with, we will determine the steps that must be taken in order to stop the entrepreneurial activity of IE:

- to exclude from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations (USR);

- to deregister from the State Statistics Committee;

- to deregister from the State Fiscal Service;

- to deregister from the Pension Fund;

- to provide reports and calculations on taxes, fees and unified social contribution;

- to close an entrepreneurial bank account [8].

Let us consider in what cases an entrepreneur

can terminate his entrepreneurial activity. In accordance with the Law of Ukraine «On State Registration of Legal Entities, Individuals – Entrepreneurs and Public Associations», there are the following cases of termination of entrepreneurial activity of IE:

- in the case of decision making by an individual;

- in the case of death of an individual;

- in the case of a court decision [8].

Termination of entrepreneurial activity of IE based on a court decision can be:

- announcement of the deceased or missing person;

- recognition as incapacitated or restriction of the civil legal capacity of an individual entrepreneur;

- termination of entrepreneurial activity of IE [8].

Grounds for ruling a court decision on the termination of entrepreneurial activity of an individual entrepreneur:

- absence of IE at the place of residence (according to the USR);

- recognition of IE bankrupt;

- illegal activity of IE;

- failure to submit declarations to the SFS during the year.

From the moment of entering information on the termination of activities in the Unified State Register, the IE loses his status. The state registration of the termination of the entrepreneurial activity of an individual entrepreneur or the entry into the State Register of an entry on the termination of such activity by an individual does not terminate his obligations arising from the exercise of entrepreneurial activity. In other words, the termination of the entrepreneurial activity of IE does not change the terms, procedures for the fulfillment of obligations arising from the implementation of entrepreneurial activities and the application of sanctions for their failure [8].

What are the obligations of an individual entrepreneur who has terminated entrepreneurial activity? In our opinion, they can be divided into three categories. First, there are tax liabilities. Secondly, there is the obligation for a single social contribution. Third, there are contractual obligations (bank, suppliers, staff).

After the implementation of the registration procedure for the termination of entrepreneurial activity, the individual entrepreneur is still registered with the regulatory authorities as a payer of taxes and a single social contribution. To deregister taxes, an individual entrepreneur must undergo an audit; provide final settlements, close accounts, submit a declaration and the necessary reporting.

The termination of entrepreneurial activity will

not terminate the obligations of an individual entrepreneur, which arose as a result of conducting entrepreneurial activities, which means that the former entrepreneur will not be relieved of uncovered tax liabilities. In this case, one should consider what may be the source of the tax liabilities settlement and what regulatory and legislative acts regulate this issue.

According to Art. 87 of the Tax Code of Ukraine, sources of tax liabilities repayment are the taxpayer's own funds. Such funds include, in particular, funds received from the sale (goods, works, services, property, corporate rights) received as a loan. The source of repayment of the tax debt can be any property with the exception of property, which, in accordance with the current legislation, cannot be used as a source of repayment of the tax debt (Table 1) [7, 12].

In order to remove the individual entrepreneur from the register of single payment payers, state registrars must provide the regulatory authorities with information from the registration card. The check of the payer and the final calculations of the unified social contribution are carried out in advance, as provided by the legislation.

In the case of state registration of the

termination of entrepreneurial activity of a sole proprietor – an entrepreneur, such an individual enjoys the rights, performs duties and bears responsibility provided for the payer of a single contribution, in terms of the activities that he carried out as an individual – an entrepreneur [13].

According to Art. 52 of the Civil Code of Ukraine, an individual entrepreneur is civilly liable for its obligations in connection with the implementation of economic activities. Responsibility is imposed on all property of IE. The property of IE includes personal property and a share (which would belong to the division of property) in the common property of the spouses. Excluded from the property to which the IE is liable is the property on which, according to the law, it is impossible to impose a penalty [16].

From the moment the information on the termination of activities is entered into the Unified State Register, the IE loses his status. However, the registration of the termination of entrepreneurial activity, in accordance with the current legislation, does not terminate the obligations of individual entrepreneur arising during the course of his entrepreneurial activity and does not exempt from liability for untimely repayment of debt.

Table 1

Property of an individual entrepreneur that cannot be used as a source of tax debt repayment

Property that cannot be used as a source of repayment of tax debt	Characteristics of property that cannot be used as a source of repayment of tax debt
Property of a taxpayer pledged by him to other persons	The moratorium is valid for the period of the bail. The pledge must be registered by law before the tax lien rights arise
Property that belongs to other persons as property and is in the possession or use of the taxpayer	Such property can be: – property transferred on lease, for safekeeping, pawnshop storage, for consignment; – tolling raw materials provided to the enterprise for processing, except for its part, which is provided to the taxpayer as payment for such services; – property of third parties accepted by the taxpayer as a pledge; – property of third parties accepted by the taxpayer in trust and any other types of agency management.
Property and non-property rights of third parties granted to the taxpayer for use or possession	Such property and non-property rights must be transferred to the taxpayer without the right to alienate him. These rights include, for example, intellectual property rights
Funds of credits or loans granted to a taxpayer by a financial institution	Such funds must be recorded in borrowing accounts opened for such a taxpayer
Amounts of letters of credit, amounts of advance payments	Letters of credit must be issued in the name of the taxpayer, but not opened
Property, the free circulation of which is prohibited	The ban is governed by the current legislation of Ukraine
Property that cannot be pledged	The list of property that cannot be the subject of a pledge is regulated by the Law of Ukraine "On Pledge"
Third party funds	Such funds must be provided to the taxpayer in a deposit (deposit) or trust management
Own funds of IE	Such funds should be used to pay back arrears of basic wages for actually worked time to individuals who are in an employment relationship with such an individual entrepreneur

Table 2

Responsibility of business entities

Business entity	Characteristic	Responsibility
Joint Stock Company (entity)	It possesses an authorized capital, which is divided into a certain number of shares of the same nominal value	The company is responsible for its obligations only by its property. Shareholders bear risks of losses up to the value of their shares
Limited liability company (entity)	It possesses an authorized capital, which is divided into parts, the size of which is established by the constituent documents	The company is responsible for its obligations only by its property. The members of the company bear the risks of losses within the limits of their contributions
Additional liability company (entity)	It possesses an authorized capital, which is divided into parts, the size of which is established by the constituent documents	The company is responsible for its obligations only by its property. The members of the company bear additional joint and several liability for the obligations of the company in the amount determined by the constituent documents in proportion to the contributions.
General partnership (entity)	All members of the partnership, in accordance with the agreement concluded between them, carry out entrepreneurial activities on behalf of the partnership	The participants of the partnership jointly bear additional (subsidiary) liability for the obligations of the partnership with all their property
Limited partnership (entity)	Full participants carry out business activities on behalf of the partnership. Participants (contributors) are present in the activities of the partnership only by their contributions	Full members of the partnership are jointly and severally additional (subsidiary) liability for the obligations of the partnership with all their property. Participants (investors) of the partnership are liable for the obligations of the partnership within the limits of their contributions
Private enterprise (entity)	It carries out its activities on the basis of ownership: 1) one or more individual entrepreneur; 2) a business entity – a legal entity	The enterprise is responsible for the property that the owner gives it. A participant (founder) of a legal entity is not responsible for its obligations, unless otherwise provided by the constituent documents or legislation
Citizen-entrepreneur (individual entrepreneur)	It carries out his entrepreneurial activity as subject to state registration without creating a legal entity	A citizen-entrepreneur is responsible for his obligations with all his property, which, in accordance with the law, can be levied

It would seem that for a person deprived of the individual entrepreneur's status, the ordinary life of an individual begins. However, this is not quite true. If such a person has earned obligations to counterparties that were not fulfilled during the time of IE, these obligations do not terminate and remain with him as an individual who has not terminated to exist. The Chamber of the Supreme Court came to such a disappointing conclusion for an individual who registered the termination of entrepreneurial activity [11].

The rule has the right to exist if the individual entrepreneur has obligations to settle accounts with other business entities or obligatory taxes and payments and carries out simplified accounting and reporting of its activities.

The Economic Code defines entrepreneurship as an independent activity carried out by business entities, which include entrepreneurs, in order to achieve profit. At the same time, activities are carried out systematically, on the initiative and at the entrepreneur's own risk, who has the right to

independently carry out entrepreneurial activities without restrictions.

At the same time, business entities (citizens of Ukraine who carry out economic activities and are registered in accordance with the current legislation of Ukraine) are such participants in economic relations who, in particular, have separate property and bear obligations within this property.

According to Art. 96 of the Civil Code of Ukraine, a legal entity is liable for its obligations independently, with all property belonging to it. Members of a legal entity are not liable for the obligations of the legal entity, of which they are founders. A legal entity is not responsible for the obligations of its founder. Cases that contradict this postulate are provided for by the constituent documents and are regulated by regulatory and legislative acts. In particular, a legal entity is liable for the obligations of its founder only if the relevant body of the legal entity approves this decision [16].

Legally, for the regulated principles of accounting and financial reporting, the property of

a legal entity and the owner of this legal entity are also distinguished. The principle of autonomy states that each enterprise is considered as a legal entity, which is separate from its owner. In this case, the owner's personal property and liabilities should not appear in the company's financial statements. Thus, the property and responsibility of the legal entity and its owner are separated.

It turns out that the smallest business unit, which is the individual entrepreneur, bears the greatest responsibility for its obligations. Moreover, an individual entrepreneur cannot determine the limit of liability for obligations or choose a measure of liability for such obligations. The existing legal framework in Ukraine simply does not provide such an opportunity. The legislation does not distinguish between property belonging to an individual before obtaining the status of an individual entrepreneur and after registering the termination of entrepreneurial activity from the property that the individual entrepreneur is endowed with in the course of economic activity. An individual who owns an individual entrepreneur does not have the right to choose what part of his property he can endow himself with in the status of an individual entrepreneur, and what part of his property he can leave behind as an individual not related to entrepreneurial activity.

According to the current legislation, the individual entrepreneur applies a simplified taxation system. In accordance with the Tax Code of Ukraine, the simplified taxation system is a taxation system in which a single tax replaces the payment of individual taxes and at the same time a simplified accounting and reporting system is applied [12].

On the one hand, the use of a simplified taxation system justifies the existing strict liability of the individual entrepreneur. On the other hand, legal entities also have the right to apply a simplified taxation system, and an individual entrepreneur can apply a general taxation system.

This tough approach to responsibility is also dangerous because most of the individual entrepreneurs do not have the necessary knowledge in the field of economics and jurisprudence, and seeking help from a specialized organization is quite expensive for them.

Let us compare the rights, obligations and responsibilities of legal entities and individual entrepreneurs (Table 3).

The current regulatory and legislative framework defines responsibility for the obligations of an individual entrepreneur in such a way that, even having registered the termination of entrepreneurial activity, an individual, if he fulfills all his obligations, may be deprived of all his property.

Currently, there are two scenarios for individual

entrepreneurs.

The first option, in order to avoid the situation with the repayment of his obligations in the future, the owner of the individual entrepreneur will re-register his property in such a way that it cannot be subject to recovery. In this case, an individual entrepreneur who has obligations, but does not have funds or property to cover them, goes through bankruptcy proceedings. After a few years, such persons are released from their obligations.

The second option, not knowing the negative consequences of an unsuccessful business, an individual entrepreneur may lose all or part of his property.

As you can see, negative consequences are present with such a strict regulation of liability for the individual entrepreneur, and for its counterparties, and for the state.

To improve the activities of an individual entrepreneur, it is necessary to introduce a mechanism to regulate the organization of entrepreneurial activity. For this purpose, it is necessary to develop a set of measures in the volume and sequence presented below:

- to allow an individual to register an individual entrepreneur to allocate funds or property from his property that should be endowed with an economic unit. As a result of this procedure, the allocated property will ensure the fulfillment of obligations based on the results of entrepreneurial activity;

- to introduce a new group of sole proprietors whose liability for their obligations is limited to the allocated funds or property. This will allow to differentiate the property of an individual from the property of an individual entrepreneur;

- to establish a minimum cost boundary for the allocated funds or property attributed to the funds and property of an individual entrepreneur and ensuring the fulfillment of obligations based on the results of entrepreneurial activity;

- the responsibility of an individual and an individual entrepreneur should be divided according to the criterion presented below. If funds or property are allocated for the purpose of endowing them with an individual entrepreneur, then they should cover the obligations of entrepreneurial activity. Accordingly, if funds or property were not allocated for the purpose of endowing them with an individual entrepreneur, but remained in the private property of an individual, then they provide his private activity.

As a result of the study:

- it has been established that individuals who have registered the termination of entrepreneurial activity bear full responsibility for the obligations earned but not covered as a result of their economic activities;

- the responsibility of legal entities and

Table 3

Comparative characteristics of liability for obligations received as a result of economic activities, legal entities and individual entrepreneurs

Factors	Legal entities	Individual Entrepreneurs
Regulation of owner's liability	It is defined by the constituent documents on the basis of the regulatory framework	It is defined by regulatory legal acts
Measure of owner's liability	It is defined by the constituent documents	It is full responsibility with all owner's property
The right to choose the measure of owner's liability	It exists depending on the form of ownership	There is no choice
The owner's ability to endow a business unit with a part of his property	It exists in accordance with the constituent documents	There is no possibility
Delimitation of the property of the owner and the business entity	Complete, legally defined, approved by the constituent documents	There is no distinction
Ability to apply a simplified taxation system	There is it	There is it (in most cases)
Ability to apply a common taxation system	There is it (in most cases)	There is it
Knowledge of the regulatory framework	It presents or there is an opportunity to hire a specialist (in most cases)	It does not present. There is no financial opportunity to hire a specialist (in most cases)
Understanding responsibility	There is it (in most cases)	There is not it (in most cases)
Differentiation of the status of owner and business entity in relation to property	There is it	There is not it
Responsibility of the owner after registration of the termination of economic activity	It is defined by the constituent documents	There is full responsibility
Exclusion of the owner's property from the property on which a penalty can be imposed	All property is excluded for which, in accordance with the constituent documents, the owner is not responsible	Only the property that cannot be foreclosed is excluded
The right to choose the form of ownership	There is it	There is not it

individuals for the obligations received in the implementation of these economic entities has been determined. The owners of legal entities, in contrast to the individual entrepreneur, have the right to choose the form of ownership and, as a consequence, the measures of responsibility of the business entity and its founders;

– it is presented a comparative characteristic of the regulation of liability for obligations received as a result of economic activities, legal entities and individual entrepreneurs. The existing normative and legislative acts of Ukraine more strictly regulate the responsibility of the sole proprietor, depriving him of the right to choose, in contrast to the responsibility of legal entities. This approach leads to negative consequences in the organization of economic activity and, as a result, in the coverage of the individual entrepreneur of its obligations for the IE, and for its counterparties, and for the state;

– a mechanism has been proposed to differentiate the responsibility of an individual as an

individual entrepreneur and a private individual. This mechanism will mitigate the responsibility of the sole proprietor and the individual, the “owner of the sole proprietor” and make this responsibility the same responsibility of legal entities and their owners.

A promising area of further research is the substantiation and establishment of the cost boundary that determines the measure of the responsibility of individual entrepreneur.

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ВІДПОВІДАЛЬНІСТЬ ФІЗИЧНИХ ОСІБ ПІДПРИЄМЦІВ З ЗОБОВ'ЯЗАНЬ, ЯКІ ВИНИКЛИ У НАСЛІДОК ЗДІЙСНЕННЯ ПІДПРИЄМНИЦЬКОЇ ДІЯЛЬНОСТІ

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Проблема розвитку малого бізнесу в даний час досить актуальна. Низькі первинні інвестиційні вкладення і швидкі адаптивні властивості дозволяють малому підприємству вижити та швидко трансформуватися у зовнішньому середовищі, яке постійно змінюється. У свою чергу, в розвитку малого бізнесу велике значення має організаційний аспект, врегульований нормативно-законодавчими актами. Простота ведення бізнесу, допустима відповідальність є важливими факторами при прийнятті рішення про реєстрацію підприємницької діяльності фізичною особою. Актуальним завданням є розмежування відповідальності фізичної особи підприємця (ФОП) та фізичної особи, що припинив підприємницьку діяльність. Мета даної статті – визначити межі відповідальності фізичної особи, яка зареєструвала припинення підприємницької діяльності, за зобов'язаннями, отриманими у наслідок здійснення ФОП господарської діяльності. Встановлено, що фізичні особи, яка зареєстрували припинення підприємницької діяльності, несуть повну відповідальність за зобов'язаннями, отриманими, але не покритими в результаті своєї господарської діяльності. Визначено відповідальність юридичних і фізичних осіб за зобов'язаннями, отриманими при здійсненні цими суб'єктами господарської діяльності. Власники юридичних осіб, на відміну від ФОП, мають право вибору форми власності і, як наслідок, заходи відповідальності суб'єкта господарської діяльності та його засновників. Надана порівняльна характеристика регламентації відповідальності за зобов'язаннями, отриманими у результаті господарської діяльності, юридичних осіб і фізичних осіб підприємців. Існуючі нормативно-законодавчі акти України більш жорстко регламентують відповідальність ФОП, позбавляючи її права ви-

бору, на відміну від відповідальності юридичних осіб. Такий підхід призводить до негативних наслідків в організації господарської діяльності і, як наслідок, в покритті ФОП своїх зобов'язань і для ФОП, і для його контрагентів, і для держави. Запропоновано механізм, що дозволяє розмежувати відповідальність фізичної особи як ФОП і приватної фізичної особи. Цей механізм дозволить по-м'якшити відповідальність ФОП і фізичної особи, «власника ФОП» і зробити таку відповідальність тотожною відповідальності юридичних осіб та їх власників.

Ключові слова: фізична особа підприємець, відповідальність фізичної особи підприємця за зобов'язаннями, підприємницька діяльність, малий бізнес

ОТВЕТСТВЕННОСТЬ ФИЗИЧЕСКИХ ЛИЦ ПРЕДПРИНИМАТЕЛЕЙ ПО ОБЯЗАТЕЛЬСТВАМ, ВОЗНИКШИМ В РЕЗУЛЬТАТЕ ПРЕДПРИНИМАТЕЛЬСКОЙ ДЕЯТЕЛЬНОСТИ

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Проблема развития малого бизнеса в настоящее время достаточно актуальна. Низкие первичные инвестиционные вложения и быстрые адаптивные способности позволяют малому предприятию выжить или быстро трансформироваться в постоянно изменяющейся внешней среде. В свою очередь, в развитии малого бизнеса большое значение имеет организационный аспект, урегулированный нормативно-законодательными актами. Простота ведения бизнеса, допустимая ответственность являются важными факторами при принятии решения о регистрации предпринимательской деятельности физическим лицом. Актуальной задачей является разграничение ответственности физического лица предпринимателя (ФЛП) и физического лица, прекратившего предпринимательскую деятельность. Цель данной статьи – определить границу ответственности физического лица, зарегистрировавшего прекращение предпринимательской деятельности, по обязательствам, полученным в ходе ведения ФЛП хозяйственной деятельности. Установлено, что физические лица, зарегистрировавшие прекращение предпринимательской деятельности, несут полную ответственность по обязательствам заработанным, но не покрытым в результате своей хозяйственной деятельности. Определена ответственность юридических и физических лиц по обязательствам, полученным при осуществлении этими субъектами хозяйственной деятельности. Собственники юридических лиц, в отличие от ФЛП, имеют право выбора формы собственности и, как следствие, меры ответственности субъекта хозяйственной деятельности и его учредителей. Представлена сравнительная характеристика регламентации ответственности по обязательствам, полученным в результате хозяйственной деятельности, юридических лиц и физических лиц предпринимателей. Существующие нормативно-законодательные акты Украины более жестко регламентируют ответственность ФЛП, лишая его права выбора, в отличие от ответственности юридических лиц. Такой подход приводит к негативным последствиям в организации хозяйственной деятельности и, как следствие, в покритии ФЛП своих обязательств и для ФЛП, и для его контрагентов, и для государства. Предложен механизм, позволяющий разграничить ответственность физического лица в качестве ФЛП и частного физического лица. Этот механизм позволит смягчить ответственность ФЛП и физического лица, «собственника ФЛП» и сделать такую ответственность тождественной ответственности юридических лиц и их собственников.

Ключевые слова: физическое лицо предприниматель, ответственность физического лица предпринимателя по обязательствам, предпринимательская деятельность, малый бизнес

RESPONSIBILITY OF AN INDIVIDUAL ENTREPRENEUR FOR OBLIGATIONS ARISING FROM ENTREPRENEURIAL ACTIVITY

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The problem of small business development is currently quite relevant. Low initial investment and fast adaptive abilities allow a small business to survive or quickly transform in a constantly changing external environment. In turn, the organizational aspect, regulated by regulatory and legislative acts, is of great importance in the development of small business. The important factors influencing the decision whether to register a business as an individual are the simplicity of doing business and the degree of acceptable liability. An urgent task is to delineate the responsibility of an individual entrepreneur (IE) and an individual who has terminated entrepreneurial activity. The purpose of this article is to determine the limit of liability of an individual who has registered the termination of entrepreneurial activity for obligations received in the course of conducting an individual entrepreneur business. It has been established that individuals who have registered the termination of entrepreneurial activity are fully responsible for the obligations earned, but not covered as a result of their economic activities. The responsibility of legal entities and individuals for obligations received in the implementation of these economic entities has been determined. The owners of legal entities, unlike (sole proprietorship), have the right to choose the form of ownership and, as a result, the measures of responsibility of the business entity and its founders. The article presents a comparative characteristic of the regulation of liability for obligations received as a result of economic activities, legal entities and individual entrepreneurs. The existing normative-legislative acts of Ukraine more strictly regulate the responsibility of the sole proprietor, depriving him of the right to choose, in contrast to the responsibility of legal entities. This approach leads to negative consequences in the organization of economic activities and, as a result, in the coverage of the individual entrepreneur's obligations for the IE, and for its counterparties, and for the state. A mechanism is proposed that allows differentiating the responsibility of an individual as an individual entrepreneur and a private individual. This mechanism will mitigate the responsibility of the sole proprietor and the individual, the "owner of the sole proprietor" and make this responsibility the same responsibility of legal entities and their owners.

Keywords: an individual entrepreneur, responsibility of an individual entrepreneur (IE) for obligations, entrepreneurial activity, small business.

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