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Las Asociaciones Civiles en el Derecho Venezolano (Qué son y cómo funcionan)

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The Itriago brothers write that the purpose of their book is to describe the nature, character, purposes and functioning of Civil Associations in Venezuela.

In developing this description, the authors stress the problems encountered in the Venezuelan legislation, make comparisons with the legislation of other countries, and try to give practical recommendations to civil associations. (Some of these recommendations can also be found in their bulletins; for example, see the previous issue of IJNL for their report regarding registration of names of organizations (chapter 11).)

From their work it appears that the main problem facing civil associations in Venezuela is the fact that they are not regulated by a general, national regulation but instead by special state regulations. As a general practice, the provisions for commercial organizations from the Civil Code are being applied to Civil Associations. This is evidenced for example in the rules regarding the establishment of organs (Chapter 3).

The lack of an overriding national legislation regulating civil associations also leads to misinterpretation of what available legislation there is: the authors point out that it is often believed that civil associations should not engage in commercial activities, when in fact the civil code does not prohibit such activity (chapter 10), whereas the possibility of redistribution of assets to members or founders upon liquidation is open since the civil code addresses only the liquidation of commercial entities (chapter 7).

In addition to their treatment of the regulatory environment, the authors also give practical advice on the management of civil associations, covering such matters as "advice on admitting a high number of members without risk of losing control of the association." (chapter 7).

Although the authors point out the some problems need to be regulated, (e.g. the need for a national register (chapter 11), or the need to include youth associations in the Venezuelan legislation (chapter 9)), they do not believe that the present environment is appropriate for the adoption of national legislation regulating civil associations. In their first chapter, they explain the disagreement amongst NGOs on this issue and suggest a series of measures which should be taken before considering the adoption of such law. The most fundamental and prescient of which being the need to reform certain provisions in the tax legislation and the law on public registers.