

Problems of the insolvency law in the practice of insolvency court

Abstract

This rigorous thesis deals with the Insolvency Act and the problems and uncertainties contained in it, which people working with it (especially insolvency courts) encounter in their practice.

The rigorous thesis is divided into five main parts, four of which are further divided into chapters.

The first part serves as a depiction of the long-term historical development of bankruptcy law, the beginnings of which can be found in Roman law. Emphasis is placed especially on the Bankruptcy and Settlement Act and the Insolvency Act and especially on the number of their amendments.

The second part deals with the problematic provisions of the general part of the Insolvency Act and deals with the provisions describing the insolvency proceedings before the declaration of bankruptcy as well as the provisions that will apply during the entire insolvency proceedings. This part is therefore the most extensive.

The following two parts are devoted to the special part of the Insolvency Act. The third part describes the imperfections of the bankruptcy solved by liquidation, of which, however, there aren't as many as in other parts of the Insolvency Act, a fact that the author connects to the history of bankruptcy law in the Czech Republic, in particular thanks to the relation to the Bankruptcy and Settlement Act.

The fourth part deals with debt discharge, which is the most common way of solving debtors' bankruptcy in practice. A major drawback that is highlighted in this part is the duration of debt discharge in the form of fulfillment the payment schedule, which is set by law for five years but which does not correspond to the sixty months that the legislator actually intended.

The final part looks at the Insolvency Act after the effective date of the so-called Debt Discharge Amendment, which brought fundamental changes, especially regarding the way of solving bankruptcy by debt discharge. There are problems indicated here that the author expects to arise and the shortcomings that have already been manifested are pointed out.

This rigorous thesis tries to describe the Insolvency Act from the perspective of a judge's assistant with experience both from the first instance insolvency court and the appeal insolvency court. It points out the most common problems and questions that arise during the application of the Insolvency Act.

Key words: Insolvency Act, insolvency court, insolvency proceedings