

Title: Abuse of the insolvency proceeding and defense against it

Abstract:

The thesis deals with the abuse of the insolvency proceeding and tools how to defend against it. In the introduction part of the thesis are described basic principles and concepts of bankruptcy law, the purpose of the insolvency proceeding and its effect.

The core of the whole thesis is in the chapter 2 & 3. The chapter 2 deals with the abuse of the insolvency proceeding by the entities which are not the debtor. I was focused mostly on the unreasonable insolvency proposals by the creditors and on the existing specific tools which can be used to limit these kinds of proposal. The same chapter is also touching other cases of the abuse of the running insolvency proceeding by the entities which are not the debtor. At the end of this chapters are described the possible and currently proposed tools how to avoid the abuse of the insolvency proceeding.

The chapter 3 deals with the abuse of the insolvency proceeding by the debtor. Because this topic is very complex and there are described just the most common way how the debtor abuses bankruptcy law and as well the possible methods, that are able to limit the possibility to abuse the law by debtor. First, there are briefly described two general phenomena linked to the insolvency process. These phenomena include cancelation of the law acts (operations) of the debtor and the change of the debtor's residence just to reach different jurisdiction before start of the insolvency proceeding. Later in this chapter I deal with the conflict between the insolvency proceeding and the enforcement proceeding and then I focused on the topic of the debt relief, because it is the most frequent way of how to solve the bankruptcy because of its profitability from debtor's point of view, so the debtor try to apply for the debt relief with the malicious intent often.

There is the summary of the most important principles at the end of my thesis which should lead to the improvement of the insolvency environment.

Keywords:

Insolvency proceeding, unreasonable insolvency proposal, debt relief