

Incidental disputes in insolvency

Abstract, key words

This thesis focuses on the issue of incidental disputes in insolvency proceedings with an emphasis on the different types of such disputes, pointing out some problematic aspects of the current legislation. Incidental dispute is a special type of civil court proceedings, the purpose of which is to resolve issues that are central to the whole insolvency proceedings and cannot be resolved in the insolvency proceedings themselves and thus require separate attention. Decisions in such disputes can have a fundamental impact on the rights of litigants and third parties, which underlines their importance not only in the insolvency context.

This thesis conducts a thorough analysis of the legal regulation of incidental disputes in insolvency proceedings, drawing on legislation, case law, specialist literature and, last but not least, the practical experience of the author as an assistant of an insolvency practitioner with a special authorization.

The thesis first deals with the general concept of incidental disputes, their characteristics, legal regulation and the course of court proceedings concerning them. It then focuses on the different types of incidental disputes as provided for in the Insolvency Act and other relevant legislation. This thesis also refers marginally to other (non-incidental) disputes that may arise in the context of insolvency proceedings.

A critical assessment of the current legislation and the *de lege ferenda* considerations of the author are included within the individual parts of the thesis for the better orientation of the reader. In doing so, the author stresses that certain aspects of the subject of the thesis remain problematic and suggests that the legislator should take these problematic aspects into account in future amendments.

This thesis thus provides a comprehensive view of incidental disputes, highlighting not only their importance but also the need for further legislative amendments. It is intended for readers who wish to gain a deeper understanding of this issue and can thus serve as a useful resource for its study.

Key words: incidental disputes, insolvency proceeding, bankruptcy