

Incidental disputes with the focus on ineffectiveness and contest of legal acts

Abstract

The rigorous thesis deals with the topic of incidental disputes, focusing on ineffective and contestable legal acts. Incidental disputes are conflicts triggered by insolvency proceedings, as stipulated by insolvency law, and are adjudicated within the framework of insolvency proceedings. Managing incidental disputes represents one of the pivotal activities of an insolvency administrator.

This work is divided into 7 chapters. The first chapter provides an introduction to the issues of incidental disputes defined in the insolvency law and general rules for the management and adjudication of these disputes. The second chapter is dedicated to general provisions regarding the ineffectiveness of debtor's legal acts under insolvency law and the obligations of persons to return performance from ineffective legal acts. The third chapter outlines practical procedural information related to the management of incidental disputes based on the opposition lawsuit filed by the insolvency administrator. The fourth chapter meticulously characterizes the factual nature of debtor's ineffective legal acts without adequate consideration. The fifth chapter deals with the factual nature of debtor's preferential ineffective legal acts. The sixth chapter meticulously characterizes the intentional factual nature of debtor's intentionally shortening legal acts. The last, seventh chapter, deals with legal acts ineffective after the opening of insolvency proceedings. The exposition in this work is based on theoretical concepts of effective legal regulation while also practically illustrating which legal acts and under what circumstances can be contested (and conversely, when not).

The goal of the rigorous thesis is to provide readers with a comprehensive overview of incidental disputes, focusing on ineffective legal acts under the current state of legal regulation, particularly using extensive jurisprudence from the Constitutional Court, the Supreme Court, and higher courts of the Czech Republic. In processing the topic, I also drew on personal practical experiences gained through work with insolvency administrators.

Klíčová slova: ineffective legal act, shortening the satisfaction of creditors, the opposition lawsuit.