

Abstract

Thesis: Selected Business Aspects of Insolvency Proceedings

The reason why I have decided for my thesis topic is that the connection between business law and insolvency law is a field which has not been studied comprehensively so far. However my opinion is that these law branches have a lot in common as we can see daily their intersection in many insolvency proceeding. Object of this thesis is to describe the main areas in which clashes insolvency law with business law and then define questions which issue from this clash and answer those on which the Insolvency Act and Business Code do not offer clear answers.

As I mentioned the connection between insolvency and business law is not focused comprehensively by doctrine. Therefore I work particularly with decided cases and legal interpretation books as sources for my thesis. The text offers two points of views on this topic. The first is aimed to company (especially its statutory body) which becomes insolvent. The second is aimed to third parties who do business with an insolvent company.

The first part of my thesis is engaged in short description of historical development of insolvency law in Czech. Then it is focused on explanation of basic insolvency terminology in context of business law.

The second part of the thesis deals with duties of statutory body in insolvency proceeding. Then I focus on insolvency administrator as a person on which are transferred selected rights which commonly belongs to the statutory body. The last part of the second section is aimed to ownership interest of a bankrupted company in a third business entity.

The thesis's third part deals with commercial obligations and their modifications in insolvency proceeding.

The outcomes from my thesis confirm that business law and insolvency law are related law branches. The connection between them reveals many interesting and practical questions. Those I defined during the elaboration I tried to answer. However I believe that there are many more which should be answered. Therefore I think that this field should be continually studied in the future.