

Abstract

Discharge from debts represents one of modes of resolving bankruptcy of a debtor. It is a legal institute, which is very often used by debtors. Its aim is not only to satisfy creditors at least in the law guaranteed amount but also to protect the debtor, who is released of all his previous debts after successful discharge and he can start new life without debts and never-ending executions.

The purpose of this thesis is to characterize an institute of discharge, to put it into the system of insolvency law, to describe insolvency procedure and some problematic areas of discharge, which cause difficulties in practice. During writing this thesis I tried to interconnect effective laws with case law of higher courts, reference literature and articles.

The thesis is composed of 5 chapters. In the first one I briefly characterize basic terms of insolvency law (insolvency proceeding, bankruptcy, procedural entities) and modes of resolving bankruptcy of a debtor.

Second chapter focuses on insolvency proceeding from insolvency petition to permission of discharge. Last part of the chapter describes alternatives of discharge, these are converting debtor's property into money, payment schedule or combination of both.

In the third part, I deal with some problematic areas of discharge, which are missing or unclear in the Insolvency Act, for example joint petition of spouses, lower than statutory instalment, extraordinary income of debtor or the position of secured creditors in discharge.

Chapter four concentrates on the termination of discharge and debtor's release from the debts, which were not satisfied during the insolvency proceeding.

In the last chapter I briefly point out the important changes in discharge, which will be introduced by the amendment to Insolvency Act No. 64/2017 Coll., which will come into effect on July 1, 2017.