

## English abstract

### **Practical specifics of debt relief**

The topic of this rigorosum thesis is Practical specifics of debt relief. The rigorous thesis is focused on specific situations and cases of debt relief, which is relatively still a new phenomenon of insolvency law. The aim of the thesis is to focus on solving and analyzing specific and in practice specific issues. The possibility of debt relief is one of the parts of insolvency law and the insolvency law can be included in the civil law. The purpose of the insolvency law is to resolve the debt situation of the debtor in order to resolve his property relations to all the persons affected by this bankruptcy situation. Insolvency proceedings are based on the highest and at the same time proportionate satisfaction of the debtor's creditors. According to insolvency law the debt situation of debtor can be solved in three ways. As the first method, the insolvency law offers bankruptcy, which is based on the payment of debts on the sale of all the debtor's assets, including his wages. Another way is the reorganization, which is intended for companies that continue to run the business during whole insolvency proceedings and their debts are paid in stages. The last way is debt relief. In debt relief the debtor can pay only part of his debts. If the debtor complies with all the statutory requirements over the five-year period, he is discharged of remaining debts. Debt relief can be solved in two ways, by repayment schedule or by monetization of property of the debtor. Debt relief offers many peripheral situations and cases, which are difficult to solve. This rigorosum thesis involves several such situations – the registration of the claim during the proceeding, the death of one of the debtors' spouses, the specifics of common debt relief of spouses, debtor's repayments if he is an entrepreneur, lower repayments, the debtor's exemption from the payment of the rest of the debt, the costs associated with maintaining and managing assets during monetization and abuse of debt relief by debtors. Rigorosum thesis is focused on solving these situations and it offers considerations as to how they should be solved according to the author. The thesis is deciphered both by *de lege lata* and *de lege ferenda*, when the almost whole solutions of the issues are based on the court decisions

**Key words:**

insolvency proceedings; debt relief; debtor's repayments; death of the debtor; lower repayments; exemption from payment of the rest of the debt; abuse of debt relief