

Abstract

The aim of this work was to analyze complexly the failure of financial market entities, with the accent of a banking institution, comparison with the European legal system, but also with the emphasis on solving the financial crisis of the banking system and its ways of resolving or maintaining the activity, possible insolvency of banking entities. At the end of the thesis, the author also deals with practical aspects of selected banks. From the above point of view, three sub-concepts are key to this work, which deserve a brief explanation as they permeate the work and gradually reveal the basic issues of the subject matter, but also their hypotheses outlining the next direction of research, and at the same time offers some legislative guidance material solution of the given issue.

The first term is the "starting point". In this work, there is a detailed survey of research to find answers to the question as to what are the basic points of the financial market entities as well as banking institutions, but above all their failure. The hypothesis in this context is the evolutionary development of the areas concerned, in particular financial law in a broad sense, and the extent of its impact on the current legal regulation of financial market participants and the resolution of their failures.

The second term, which then permeates, is the notion of "evolution", which serves to make it possible to see whether the concept of crisis management of financial subjects in the context of historical aspects is evolving or rather stagnating. Here is the hypothesis especially the current legal regulation of the crisis management of financial subjects.

The third notion of work is the notion of "comparison". The express wording of this term appears in the following text mainly because the author of this work is convinced that it is a very important resource for the creation of a new legal regulation. However, this resource has its limits, consisting mainly in the overall context of the comparative legal regulation, both historical and foreign. In addition, the comparison must always be based on a thorough analysis carried out in this work in relation to European (European) legislation, by gradually revealing the different points of reference of the legislation under review, critically dealt with unjustified deviations, but if necessary, there are also presented the author's own considerations as to the suitability of the adaptation and the suggestions for a possible change. The hypothesis of this concept is the fact that European legislation offers a possible inspiration for legislative creation, possibly even in case of adaptation of the relevant directives, which should be reflected in the Czech legal order.

The area of the law of financial institutions is a very important part of the legal order. Issues that are directly related to this legal area have been the subject of an investigation before the author of his PhD study, focusing on financial and insolvency law, when both general and special insolvency trustees have been created in parallel. Over time and above all due to its practical activities of the liquidator and the insolvency administrator of financial institutions, he decided to work on the failure of financial market participants and the accent on the banking sector.

Key words

Financial market, financial system, financial market participants, financial market failure, liquidation, insolvency.