

Abstract

The thesis (as its name suggests) deals with the issue of invalidity and ineffectiveness of legal acts in the context of insolvency proceedings. First of all, the very concept of invalidity and ineffectiveness of legal acts is explained, followed by explanation of the causes of occurrence of these institutes, as well as their consequences and overall their place in the context of the Czech legal order. Following this excursion, the regulation of these two institutes both in the insolvency and civil legal codes is compared, as is compared their regulation both in the currently effective legal regulation and in the previous no longer effective one. The aim of this comparison is, first of all, to depict the evolution of the institute of invalidity and ineffectiveness in the Czech legal system and to find out how and why the regulation has changed. Such knowledge is important both theoretically and practically, since it defines which sources (including court decisions) created under the older regulation are still applicable under the new regulation. Secondly, the aim of this comparison is also to find out and define how the invalidity and ineffectiveness depend on each other, as well as how these two institutes regulated by insolvency and civil codes depend on each other (if they do at all). This again has practical implications, because the consequences of a legal act depend on its correct classification.

The next part of the thesis deals in detail with the invalidity and ineffectiveness of legal acts purely under the currently effective insolvency law. The places of occurrence of these institutes in the insolvency law are considered, as are the causes of their occurrence. There is also a detailed assessment of the requirements the legal act must fulfil in order to be affected by invalidity or ineffectiveness. The whole text is completed by a number of court decisions of all instances to understand how the courts assess the issue in question and how they deal with its individual aspects. Based on these court decisions, as well as the opinions contained in the literature and legislation, this paper presents invalidity and ineffectiveness not only as some kind of theoretical concept, but it also explains which legal acts and under what circumstances may fall into these categories (and when they do not). As a result, both the debtor and his creditors can make an informed assessment whether there is a risk that a certain legal act will be declared invalid or ineffective.