

Legal position of the insolvency administrator in debt relief

Abstract

An insolvency administrator has an irreplaceable role in the insolvency proceedings. He isn't a lawyer of debtor or creditors. However, he has to defend a legal interests both of them and to direct insolvency proceedings in such a way that its purpose is fulfilled. The purpose of the insolvency proceedings is to achieve the greatest satisfaction of creditors without any unjustly harmed or unlawfully favored party. The aim of this diploma thesis called „Legal position of the insolvency administrator in debt relief“ is to comprehensively analyze the insolvency administrator's procedure, its role and activity in debt relief. The secondary subject of the thesis is the evaluation of the debt relief legislation, which was substantially amended by an amendment No. 31/2019 Sb. Text of the thesis is divided into two parts, theoretical and practical. Initial part is divided into four chapters, in which the characteristics of the insolvency administrator, including his position towards other entities in insolvency proceedings. The second and third chapters specify the process of issuing the insolvency administrator's license, including the conditions they must fulfill in order to be authorized. The fourth chapter gives the reader insight into the process of establishing insolvency administrators for individual insolvency proceedings. The second, practical part of the thesis is divided into six chapters, which provide a comprehensive analysis of the insolvency administrator in debt relief. The order of chapters is drawn up in terms of time, from the decision on the debtor's bankruptcy to the discharge of debt relief. This part of the thesis includes in the individual chapters a comparison of both methods of debt relief - independent liquidation of assets and fulfillment of repayment schedule with liquidation of assets as well as a comparison of the insolvency administrator's performance in bankruptcy relief. The content of this part is the core part of the whole thesis.

Klíčová slova: Insolvency administrator, debt relief, insolvency proceedings