

Abstract

Debts relief of natural persons – entrepreneurs

The diploma thesis deals with the topic of discharge of debts relief of natural persons – entrepreneurs in the Czech legal system. The aim of the work is mainly to provide insight into the current regulation of debt relief for entrepreneurs and to summarize the historical development of this institute. The diploma thesis is divided into an introduction, seven chapters and a conclusion.

The first chapter deals with the general issue of debts in the Czech Republic and its reasons. The chapter emphasizes the two most common reasons for indebtedness of individuals in the Czech Republic, which are bank loans and non-bank loans. The second chapter defines the concept of bankruptcy and its conditions under the Insolvency Act. In this chapter, special attention is paid to rebuttable presumptions of bankruptcy and their fulfillment. In addition, this chapter also lists ways to deal with bankruptcies and briefly explains the differences between those. The third chapter deals in detail with debt relief as one of the ways to deal with bankruptcy. This chapter describes the individual phases of debt relief and also the methods of it according to current legislation. The fourth chapter contains the definition of the term entrepreneur according to the Civil Code. In this chapter we deal with the conditions of the definition of business activity.

The fifth chapter is devoted to the historical development of debt relief for entrepreneurs in the Czech Republic, and its specifics compared to debt relief for non-entrepreneurs. The chapter pays attention to the consent of creditors to the debt relief, the definition of business debts and the calculation of deductions from entrepreneurial income. The last part of the chapter then shows a practical example of calculating the entrepreneur's income. The sixth chapter deals with European legislation, namely with DIRECTIVE (EU) 2019/1023 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 June 2019, (Directive on restructuring and insolvency) and its transposition. The chapter briefly describes the new institute of restructuring and changes in debt relief for entrepreneurs that the directive brings. The last seventh chapter is then devoted to the author's subjective view of the historical development of legislation and its current form.

Key words:

- Insolvency proceedings
- Debts relief
- Entrepreneur