

# Reorganization under insolvency law

## Abstract

Diploma thesis from quite vague scope, as reorganization apparently is, focused on specific areas in insolvency proceedings and trying to bring a more concrete point of view and a more detailed perspective. Those areas include problems of suitability research that can be used by reorganization institute, as fundamental remediation for solving bankruptcy for various situations. Focus is on both economics, also a legal assumption of the feasibility of reorganization, yet to increase an emphasis on examining the motivation of people, who apparently can affect the enforcement and can significantly affect the implementation of reorganization. Determination process of appropriate way to resolve the insolvency situation is closely related to its solution and is also more detail explained in thesis.

As a main key is considered to have enough and sufficient information about debtor's creditors. Valid legal problems and regulations of compiling a professional assessment, which might lead to better knowledge for creditors. In this context, some legislative proposals aimed at improving the usability of assessment in the reorganization are also mentioned. Within the whole work, emphasis is placed on the topics discussed, not only with regard to the recent legislative changes. The main core in thesis is in parts 2 to 7. These parts are devoted to the analysis of the current legislation of individual institutes of reorganization. As the structure of those text mainly comes from procedure of disorientation and reorganization, and describing the insolvency law, is trying to avoid describing on institute of reorganization and catalogize their connections, focusing mainly on relations between important themes. In described parts of the thesis, special emphasis is placed mainly on the problematically interpreted legal provisions concerning reorganization. For this reason, in some chapters is widely worked with available concrete literature, and especially with case law. In addition to the problems of interpretation mentioned by available sources, this work attempts to find and analyze potential interpretation problems not yet published.

During an interpretation of vague and unclear parts of legal regulation, thesis tries to follow a uniform and systematic form, where we first focus on questions, which represents unclear parts of reorganization law. Next phase represents possible solutions lean on available professional sources, also own propositions are presented. In thesis are also presented suggestions for technical-legislation changes, which as per my best knowledge and opinion will participate to more concrete interpretation of some parts in insolvency act. In addition to proposals for such changes, the thesis also contains *de lege ferenda* considerations, which should primarily be a stimulus for discussion about more appropriate legal setting for some institutes related to reorganization.

The main asset of my thesis should particularly point out and bring to attention to not sufficiently processed, or problematically described parts of insolvency law, focused on reorganization. In some cases,

more light can bring just unified a case law, however in some specified fields would be appropriate to adjust the insolvency law.

Into conclusions of the work can also be considered my conviction that numbers of reorganizations in Czech Republic is optimal for economics possibilities. As is not eligible that reorganization, as a one of the possibilities of bankruptcy suitable for resolving specific situations, be preferred by insolvency law. Specially to lag behind another type of bankruptcy, which bring similar advantages in solution of reorganization.

**Key words:**

Insolvency proceedings, reorganization, reorganization plan