

# Discharge of imprisoned persons

## Abstract

The diploma thesis deals with the discharge of an imprisoned debtor. One of the aims of the thesis is to analyse the phenomenon of indebtedness of Czech prisoners on the basis of available data, to describe its causes and possible solutions in general. The main goal of the thesis is to acquaint the reader with the process of debtor's discharge with emphasis on the specifics and deviations that the debtor's imprisonment situation brings into his discharge. Discharge in this thesis is perceived as a tool to solve the problem of indebtedness of Czech prisoners. Within the framework of achieving the main goal, it is examined which legislative changes made the institute of discharge more available for imprisoned debtors and at the same time what obstacles, which objectively complicate or threaten the successful process of imprisoned debtors' discharge still remain. To achieve the set goals, methods of analysis and description of legal regulations, court decisions and other relevant documents are combined, supplemented by practical examples of selected insolvency proceedings and the author's work experience in the given area.

The work is divided into two parts. The first part deals with the indebtedness of Czech prisoners. It analyses the available data on this phenomenon, describes its causes with an emphasis on the typical debts of convicts and discusses the options available to the convict to resolve his debts during the execution of the sentence. The second part deals with the institute of imprisoned debtor's discharge as a specific tool to deal with his indebtedness. The whole process of discharge is described with emphasis on the peculiarities of this process, which result from the specific position of the imprisoned debtor. Aspects that complicate or endanger the process of debt relief in comparison with debtors at large are analysed. Some of these aspects are demonstrated in practice by reference to selected insolvency proceedings or work with material obtained from a convict.

In conclusion, the author summarizes her findings from both parts of the work. Indebtedness is identified as a problem affecting most convicts. Unlike debtors at liberty, convicts have debts that are related to crime. If they work in prison, a part of the debts can be paid by the wage deductions. Discharge is an effective tool for resolving convicts' debts, and thanks to the introduced legislative changes, it is now more accessible to convicts than before. However, there are still a number of obstacles for those serving a sentence that exist at all stages of the discharge process.

**keywords:** prisoners' indebtedness, insolvency proceeding, prisoners' discharge