

Abstract

Legislative development of conditions for successful debt relief

The thesis deals with the legislative development of conditions for successful debt relief. Debt relief offers debtors a second chance to settle with their creditors and return to regular socio-economic conditions with a clean slate. Debt relief is regulated by Title 5 of the Insolvency Act, and its form has undergone many changes to date, both in terms of the individual prerequisites for entering into debt relief, as well as the prerequisites for its fulfilment and the debtor's exemption from payment of remaining claims.

The first part of the thesis deals in general terms with the various methods solving the debtor's bankruptcy with an emphasis on the debt relief which is the subject of this thesis. At the same time, attention is paid to the individual amendments to the Insolvency Act which had a pivotal influence on the resulting form of the legal regulation of debt relief.

The second part of the thesis deals with the individual prerequisites for entering into debt relief. The resolution of the debtor's bankruptcy by debt relief is conditional on the debtor's proposal; debt relief cannot be imposed on the debtor. In order for the debtor's proposal for debt relief to be successful, the subjective, substantive and procedural prerequisites have to be met. The author analyses all these prerequisites, while pointing out the individual changes brought about by the amendments to the Insolvency Act in this respect.

The third part of the thesis is devoted to the fulfilment of debt relief, where the author distinguishes between the legal regime before the debt relief amendment, after the debt relief amendment and at the same time before the transposition amendment and finally the regime after the transposition amendment. Both the individual conditions under which debt relief is fulfilled and the procedural aspects of the fulfilment of debt relief are compared.

The last part focuses on the question of the debtor's exemption from payment of the remaining claims. The author discusses the individual prerequisites for granting the exemption, its procedural aspects, as well as the scope of the effects of the granted exemption and the possibility of breaking these effects.

The aim of the thesis is to determine in which direction the individual prerequisites for debt relief in the narrower sense of the word are evolving and whether they represent a fair balance between the interests of the debtor and his creditors and society as a whole. In this context, the author continuously points out the individual pitfalls that the legislator's amendment steps entail and makes possible suggestions for improvement.

Key words: debtor, conditions of debt relief, debt trap